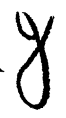



## City of Alexandria, Virginia

## MEMORANDUM

DATE: JANUARY 23, 2006

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

THROUGH: JAMES K. HARTMANN, CITY MANAGER 

FROM: BERNARD CATON, LEGISLATIVE DIRECTOR 

SUBJECT: RECOMMENDATIONS AND STATUS REPORT (NO. 1) ON LEGISLATION  
INTRODUCED AT THE 2006 GENERAL ASSEMBLY SESSION

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**ISSUE:** Recommendations and status report (No. 1) on legislation introduced at the 2006 General Assembly Session.

**RECOMMENDATION:** That City Council approve the following, as recommended by City Council's Legislative Subcommittee (Mayor Euille and Councilwoman Woodson):

- the legislative positions included in Attachment 1 (Recommended Positions on Bills of Importance to the City); and
- support for additional funding for administrative costs related to the Comprehensive Services Act (described below).

**DISCUSSION:** The 2006 General Assembly Session began on January 11, and is scheduled to adjourn on March 11. The deadline for introduction of legislation was Friday, January 20.<sup>1</sup> As of that day, 2,297 bills have been introduced (not all of these have been entered into the legislature's on-line database thus far; it is unclear whether additional bills and resolutions are waiting to be added to the system). The major issue of the Session will be transportation funding.

**City Package.** The following bills from the City's legislative package have been introduced (Attachment 2 is a status report on these bills):

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<sup>1</sup>There are some exceptions to this rule (e.g., bills can be introduced by unanimous consent or at the request of the governor), but relatively few bills are introduced after the deadline.

- HB 393 gives a tenant in a conversion condominium who is elderly or disabled, and eligible for a lease extension under current law and ordinance, the ability to assign the right to purchase his unit to a government agency, housing authority, or nonprofit corporation. The bill was heard in a subcommittee of the House General Laws Committee last week. Even though representatives of Northern Virginia realtors and commercial developers spoke in favor of the bill, the subcommittee carried it over for “study” until later this week.
- HB 1211 and SB 233 would require drivers to stop (not just yield) for pedestrians in marked crosswalks. Both bills have been assigned to committee, but have not yet been heard.
- HB 101, HB 374, and SB 526 are identical proposals to amend the Virginia Constitution so that the State would recognize “only a union between one man and one woman” as a valid marriage in the Commonwealth. The proposed amendment also prohibits the State and its political subdivisions from creating or recognizing “a legal status for relationships of unmarried individuals that intends to approximate the design, qualities, significance, or effects of marriage,” or “another union, partnership, or other legal status to which is assigned the rights, benefits, obligations, qualities, or effects of marriage.” HB 101 has passed the House; SB 526 was approved 11-3 in Committee and awaits action by the full Senate. HB 393 seeks to repeal of the Affirmation of Marriage Act, which was passed in 2004 and prohibits a “civil union, partnership contract or other arrangement between persons of the same sex purporting to bestow the privileges or obligations of marriage” as well as any related contractual rights
- A number of bills have been introduced that would prohibit state colleges and universities from admitting any alien who is unlawfully present in the United States, or would prohibit these individuals from being entitled to in-state tuition, but none have yet been heard in committee.
- SB 64 seeks to increase, from two to four percent, the sales tax on motor fuels in Northern Virginia that is used to help pay for transit costs. It awaits action by the Senate Finance Committee.
- HB 1082 and SB 267 are identical bills that would impose an additional 0.25percent sales and use tax in Metro jurisdictions (Arlington and Fairfax Counties, and the Cities of Alexandria, Fairfax, and Falls Church) if approved by ordinance by the governing bodies of those localities whose population comprises at least 90 percent of the population of the five localities. The revenue from the tax would be used solely for the support of WMATA obligations. The bills have been assigned to the House and Senate Finance Committees, which have not taken action on them.

- SB 269 requires the State, when it receives notice of a condominium conversion, to notify the locality where the condominium is located within five business days after receiving the notice. The bill was approved by the Senate Committee on General Laws and Technology, and is awaiting action by the full Senate.
- SJR15 proposes to amend the Virginia Constitution to authorize the General Assembly to provide by statute for the restoration of a felon's voting and other civil rights. The legislation was continued to the 2007 Session by the Senate Committee on Privileges and Elections.
- HB 394 proposes an income tax credit for renters with a household annual income of \$35,000 or less. The bill is awaiting action by the House Finance Committee.
- HB 818 will allow localities with a population of 80,000 or more to undertake design-build projects without going through the State's Design-Build Review Board. The bill is awaiting action by the House General Laws Committee.
- HB 539 and SB 480 seek to increase the minimum wage in Virginia by a dollar a year for each of the next three years. The legislation also proposes to adjust the minimum wage to reflect changes in the Consumer Price Index beginning in 2009. The bills have gone to the House and Senate Commerce and Labor Committees but have not yet been heard.
- As part of its 2006 City Package, the City adopted a position in opposition to any legislation that would place additional restrictions on the ways local governments deal with illegal immigrants. HB 1051 would prohibit public funding of employment service centers unless the provider of the services verifies that the persons receiving services are legally eligible for employment in the United States.

**Funding for the Comprehensive Services Act (CSA).** Budget amendments have been introduced seeking \$5 million in additional biennial funding for local governments to administer the CSA.

The State has not increased CSA administrative funding (now \$1.5 million annually) since 2000, even though local government costs have arisen during that time. Currently, \$1.5 million annually in state general funding is available for local governments to administer CSA. If this amendment is improved, it would increase the funding available to localities to help pay for their administrative costs.

Council's Legislative Subcommittee recommends that the City support this proposed amendment.

**Transportation Funding.** Transportation funding will be the dominant issue of the 2006 Session. Governor Kaine has made it clear that he expects the General Assembly to provide significant new resources for transportation, and he has asked for legislative changes (yet to be

introduced as bills) to allow for better consideration of the transportation impacts of new local land use proposals.

Governor Kaine, the Senate Finance Committee, and the House Republican Caucus have each promised to submit a package of bills and budget proposals to improve transportation in the Commonwealth. On Friday, January 20, the Governor and the Senate Finance Committee released their proposals (Attachment 3 is the Governor's Media Advisory, and Attachment 4 is the Media Advisory from the Senate Finance Committee), and on Monday, January 23, the House Republican Caucus plans to release its proposal.

Below is a table that compares the major components of the Governor's and the Senate's proposals, using information available at the time this memorandum was prepared.

Issue	Governor	Senate (SB 708)
Sales tax on motor vehicles (now 3 percent)	Increase to 5 percent	Increase to 5 percent over several years (same as sales tax on other items)
Sales tax on motor fuels (not now assessed)	Not addressed	Increase to 5 percent over several years (same as sales tax on other items)
Sales tax on motor vehicle repairs and maintenance (not now assessed)	Not addressed	Assess at 5 percent (same as sales tax on other items)
Motor fuels tax on diesel fuels (now 16¢ per gallon)	Not addressed	Increase to same level as assessed on gasoline (17.5¢ per gallon)
Vehicle titling fee	Base fee on passenger vehicle's weight (now all passenger vehicles pay the same fee)	Not addressed
Vehicle registration fee (now \$23 on vehicles under 4,000 pounds, and \$28 on heavier passenger vehicles)	Base fee on passenger vehicle's weight (now all passenger vehicles pay the same fee)	Increase by \$10 on all automobiles, and an additional \$10 on passenger vehicles over 4,000 pounds (primarily SUVs)

Auto insurance premium tax revenues	Dedicate 1/3 of the current revenues to transportation; and increase the tax by 2.25 percent, with the new revenue also being dedicated to transportation	Dedicate all revenues from this tax to transportation
Fines for speeding and other “abusive” traffic offenses	Increase fines and devote new revenue to transportation	Not addressed

Both the Governor and the Senate proposed significant new funding for transit.

Staff will include updates on this issue in all future reports to Council this Session.

**Real Estate Taxes.** A number of bills have also been introduced that would alter the way real estate is assessed, or the tax rate is set by a local governing body. These bills would either:

- Force localities to set tax rates that will limit annual increases in real estate tax revenues; the limits in bills that have been introduced (HB 169, HB 315, HB 897, and HJ56) are between one and five percent annually (Council’s Legislative Subcommittee has recommended that the City oppose these, as noted under the individual bills in Attachment 2).
- “Average” assessments--SB 138 would not increase assessments on homes on a case-by-case basis, but would increase assessments based on the average increase in values of homes that are sold in a neighborhood. This would result in many homes being assessed over or under their true values. Council’s Legislative Subcommittee has recommended that the City oppose this bill.
- Allow, but not require, localities to set a tax rate for residential property at a lower tax rate than that imposed on non-residential properties (Council’s Legislative Subcommittee has recommended that the City support HB 155).
- Amend the Virginia Constitution to allow a partial exemption for an owner-occupied residence (HJR 135 would exempt the first 20 percent of value; HJR 68 would exempt the first \$100,000).

**State Budget.** On December 16, outgoing Governor Warner proposed his final biennial budget. Staff is unaware of any proposal by the Governor that will detrimentally affect the City. He has recommended slight increases in some programs (e.g., HB 599 local law enforcement funding) as a result of increased state revenue growth. Significant new funding (\$200 million) is included for nutrient removal projects at local sewage treatment plants (largely to clean up the Chesapeake Bay); and for local mental health and mental retardation programs.

Among the other items addressed in the budget:

- There will be a 3 percent salary increase for teachers and for state-supported local employees, effective December 1, 2006.
- The Alexandria City Public School VRS contribution rates for teachers is proposed at 9.2 percent for retirement; 1.22 percent for group life; and 0.56 percent for the retiree health care credit. This is lower than the rates proposed several months ago by the VRS Board. The Governor also proposed the creation of a working group to recommend actuarial assumptions for future VRS contributions.
- There is \$15 million in each year of the biennium to assist localities affected by BRAC (military base and leased space closures).
- Two programs relating to gangs are included. The first will provide \$1.6 million in FY07 to assist local law enforcement agencies in reducing gang violence. The second will distribute \$1 million each year to support local efforts to offer community-based programs and activities for at-risk youth, "since such programs have been shown to effectively decrease the level of gang activity in communities."
- The Northern Virginia Juvenile Detention Home will receive \$603,275 to reimburse it for the State share of security upgrades that have been made at the facility.
- There are small increases in funding for auxiliary grants, Healthy Families, pre and post-incarceration services, and Community Action Agencies.
- An additional \$17 million is included for low income heating assistance and weatherization programs statewide.
- Significant funding for transportation projects is in the budget, including \$20 million for development of additional rail car storage capacity at the WMATA rail yard off Eisenhower Avenue, and the 20 percent match required of projects that are in the recently enacted federal TEA-LU transportation legislation (Alexandria had several earmarks).

Amendments proposed by House and Senate members were due last Thursday, and have not yet been fully tabulated or made public. The House Appropriations and Senate Finance Committees are scheduled to make their proposed budget amendments public on February 19. Staff will continue to update Council on the budget throughout Session.

**STAFF:** Bernard Caton, Legislative Director

**ATTACHMENTS:**

Attachment 1 - Recommended Positions on Bills of Importance to the City, January 21, 2006

Attachment 2 - Current Status of City Package Bills, January 21, 2006

Attachment 3 - "Governor Announces Balanced Transportation Initiative," January 20, 2006

Attachment 4 - "Advisory to the Media" (Senate Finance Committee), January 20, 2006

## **Attachment 1**

Recommended Positions on Bills of Importance to the City  
January 23, 2006

### **HB 11 Absentee voting and ballot applications; no qualification for voters to use.**

*Summary as introduced:*

**Elections; absentee voting.** Provides that qualified voters may vote absentee for any reason. The bill eliminates the present statutory list of specific reasons entitling a voter to cast an absentee ballot. Several special provisions concerning military and overseas absentee voters and disabled voters are consolidated in one new provision.

*Patrons:* Parrish and Ebbin

11/29/05 House: Prefiled and ordered printed; offered 01/11/06 060394452

11/29/05 House: Referred to Committee on Privileges and Elections

01/18/06 House: Assigned to Privileges and Elections sub-committee: #2 (Jones, S. C.)

**Notes:** City Position: Support

### **HB 25 Law-enforcement officer; may detain person suspected of criminal activity.**

*Summary as introduced:*

**Temporary custodial detention of a person; penalty.** Sets out circumstances under which a law-enforcement officer may detain a person suspected of criminal activity past, present, or future and require him to identify himself. Failure to identify oneself is a Class 1 misdemeanor.

*Patron:* Wright

12/07/05 House: Prefiled and ordered printed; offered 01/11/06 061152556

12/07/05 House: Referred to Committee for Courts of Justice

01/12/06 House: Assigned to Courts of Justice sub-committee: Criminal L...

**Notes:** City Position: Oppose

### **HB 37 Retirement System; benefits for emergency medical technicians.**

*Summary as introduced:*

**Retirement benefits; local emergency medical technicians.** Adds local emergency medical technicians to the list of local employees for whom localities may provide retirement benefits equivalent to those provided to State Police officers.

*Patrons:* Tata, Englin and Moran

12/08/05 House: Prefiled and ordered printed; offered 01/11/06 063375524

12/08/05 House: Referred to Committee on Appropriations

01/18/06 House: Fiscal impact statement from VRS (HB37)

**Notes:** City Position: Support

### **HB 60 Law-Enforcement Officers Retirement System; adding emergency medical technicians.**

*Summary as introduced:*

**Law-Enforcement Officers Retirement System; emergency medical technicians.** Adds



full-time salaried emergency medical technicians to the list of those who may receive benefits equivalent to those provided under the State Police Officers' Retirement System.

*Patron:* Albo

12/14/05 House: Prefiled and ordered printed; offered 01/11/06 063694204

12/14/05 House: Referred to Committee on Appropriations

01/18/06 House: Fiscal impact statement from VRS (HB60)

**Notes:** City Position: Support

**HB 78 Zoning ordinance; reconstruction/restoration of involuntarily damaged or destroyed nonconformities.**

*Summary as introduced:*

**Reconstruction and restoration of involuntarily damaged or destroyed nonconformities.**

Permits property owners to reconstruct or restore involuntarily damaged or destroyed nonconforming real property to its original, nonconforming condition.

*Patrons:* Suit, Dudley, Frederick and Morgan

12/16/05 House: Prefiled and ordered printed; offered 01/11/06 067505520

12/16/05 House: Referred to Committee on Counties, Cities and Towns

**Notes:** City Position: Oppose

**HB 92 Housing Partnership Trust Fund; name change, deposit of recordation tax revenues into Fund.**

*Summary as introduced:*

**Virginia Housing Partnership Trust Fund; dedicating recordation tax revenues.** Changes the name of the Virginia Housing Partnership Trust Fund to the Virginia Housing Trust Fund. The bill provides for \$0.02 of the recordation tax to be transferred to the Fund. The bill also provides that a portion of the fund shall be used to provide matching funds to localities that have both established a local housing fund and appropriated local moneys to the fund. Under the bill, the Department of Housing and Community Development is required to establish criteria for the allocation of the matching funds to eligible localities and to annually report on the allocation of matching funds. In addition, the bill authorizes grants to be made from the Fund to support innovative housing projects and low and moderate income housing projects that are located in areas experiencing extreme shortages of such housing.

*Patrons:* Suit, Johnson and Toscano

12/19/05 House: Prefiled and ordered printed; offered 01/11/06 065277140

12/19/05 House: Referred to Committee on General Laws

01/18/06 House: Assigned to General Laws sub-committee: #1 Housing (Suit)

01/19/06 House: Referred from General Laws

01/19/06 House: Referred to Committee on Appropriations

**Notes:** City Position: Support

**HB 98 Motor vehicle accident; law-enforcement officer allowed to investigate on private property.**

*Summary as introduced:*

**Motor vehicle accident investigations.** Provides that a law-enforcement officer who, in the course of duty, investigates a motor vehicle accident shall have the authority to go upon and remain upon private property without permission of the property owner for as long as is reasonably necessary to conduct the accident investigation and, if removal of a vehicle is requested by the driver of the vehicle or the owner of the property, to provide for removal of any vehicles involved in the accident.

*Patron:* Cosgrove

12/21/05 House: Prefiled and ordered printed; offered 01/11/06 064158276

12/21/05 House: Referred to Committee on Transportation

01/17/06 House: Referred from Transportation

01/17/06 House: Referred to Committee for Courts of Justice

**Notes:** City Position: Support

**HB 101 Constitutional amendment; marriage may exist only between a man and woman.**

*Summary as introduced:*

**Constitutional amendment (voter referendum); marriage.** Provides for a referendum at the November 2006 election on approval of a proposed constitutional amendment to define marriage. The proposed amendment provides that "only a union between one man and one woman may be a marriage valid in or recognized by this Commonwealth and its political subdivisions." The proposed amendment also prohibits the Commonwealth and its political subdivisions from creating or recognizing "a legal status for relationships of unmarried individuals that intends to approximate the design, qualities, significance, or effects of marriage." Further, the proposed amendment prohibits the Commonwealth or its political subdivisions from creating or recognizing "another union, partnership, or other legal status to which is assigned the rights, benefits, obligations, qualities, or effects of marriage."

*Patrons:* Cosgrove, Byron and Lingamfelter

01/16/06 House: VOTE: Passage (76-Y 20-N)

01/16/06 House: Communicated to Senate

01/17/06 House: Fiscal impact statement from DPB (HB101H1)

01/17/06 Senate: Constitutional reading dispensed

01/17/06 Senate: Referred to Committee on Privileges and Elections

**Notes:** City Position: Oppose

**HB 109 Photo-monitoring; allows certain counties and cities to establish systems.**

*Summary as introduced:*

**Photo-monitoring systems to enforce traffic light signals.** Allows the Counties of Arlington and Fairfax, the Cities of Alexandria, Fairfax, Falls Church, and Virginia Beach, and the Town of Vienna to establish photo-monitoring systems to enforce traffic light signals, subject to specific requirements and procedures set forth in the bill.

*Patrons:* Purkey and Eisenberg

12/22/05 House: Prefiled and ordered printed; offered 01/11/06 064330472

12/22/05 House: Referred to Committee on Militia, Police and Public Safety

**Notes:** City Position: Support

**HB 142 Zoning ordinances; certain residential facilities w/incapacitated persons single family dwellings.**

*Summary as introduced:*

**Zoning ordinances; group homes of six or fewer.** Authorizes local governments to adopt zoning ordinances considering a residential facility in which no more than six mentally ill, mentally retarded, or developmentally disabled persons reside, with one or more resident counselors or other staff persons, as residential occupancy by a single family. Any group home licensed prior to July 1, 2006, for occupancies of greater than six will be authorized to continue to operate pursuant to the zoning ordinance in effect at the time of its establishment.

*Patron:* Cole

12/28/05 House: Prefiled and ordered printed; offered 01/11/06 064122272

12/28/05 House: Referred to Committee on Counties, Cities and Towns

**Notes:** City Position: Oppose

**HB 145 Motor vehicle fuels tax; imposition optional for localities in certain transportation districts.**

*Summary as introduced:*

**Motor vehicle fuels sales tax.** Makes the imposition of the 2% motor vehicle fuels sales tax optional for the localities in certain transportation districts. Under current law, the tax is imposed automatically in those districts.

*Patron:* Cole

12/28/05 House: Prefiled and ordered printed; offered 01/11/06 060791272

12/28/05 House: Referred to Committee on Finance

01/16/06 House: Fiscal impact statement from TAX (HB145)

01/18/06 House: Assigned to Finance sub-committee: #2 (Purkey)

**Notes:** City Position: Oppose

**HB 146 Concealed handguns; prohibits person who carries into restaurants from consuming alcoholic beverage.**

*Summary as introduced:*

**Concealed handguns; restaurants.** Prohibits a person who carries a concealed handgun onto the premises of a restaurant or club from consuming an alcoholic beverage while on the premises.

*Patron:* Cole

12/28/05 House: Prefiled and ordered printed; offered 01/11/06 063453272

12/28/05 House: Referred to Committee on Militia, Police and Public Safety

**Notes:** City Position: Oppose

**HB 155 Residential property; permits localities to tax at a lower rate.**

*Summary as introduced:*

**Classification of taxable real property.** Permits localities to tax residential property at a lower tax rate than that imposed on the general class of real property by creating a separate classification for taxation purposes.

*Patrons:* Alexander and Lewis

12/28/05 House: Prefiled and ordered printed; offered 01/11/06 067503208

12/28/05 House: Referred to Committee on Finance

01/14/06 House: Fiscal impact statement from TAX (HB155)

01/18/06 House: Assigned to Finance sub-committee: #1 (Orrock)

**Notes:** City Position: Support

**HB 169 Real estate tax; limitation on tax rate.**

*Summary as introduced:*

**Real estate tax; limitation on tax rate.** Provides that localities must set real estate tax rates so that the total real estate tax revenue will not increase by more than 3% over the previous year's total real property tax levies with one exception. The exception would allow a locality to set its property tax rate at a rate not to exceed the rate of population growth plus the rate of inflation in the locality for the immediately preceding year, but in no event shall the rate be set at any amount that would produce more than 6% growth.

*Patrons:* Lingamfelter and Frederick

12/29/05 House: Prefiled and ordered printed; offered 01/11/06 065110380

12/29/05 House: Referred to Committee on Finance

01/12/06 House: Fiscal impact statement from TAX (HB169)

01/18/06 House: Assigned to Finance sub-committee: #1 (Orrock)

**Notes:** City Position: Oppose

**HB 185 Public Procurement Act; prohibited contract, required contract provisions.**

*Summary as introduced:*

**Public Procurement Act; prohibited contracts; required contract provisions.** Provides that no public body shall enter into any contract for services unless the contract provides that only citizens of the United States, legal resident aliens, and individuals with a valid visa will perform the services under the contract or any subcontract of that contract. The bill further requires all public bodies to include in every contract for goods or services the following provisions: During the performance of this contract, the contractor agrees to (i) post in conspicuous places, available to employees and applicants for employment, a statement notifying such persons that only citizens of the United States, legal resident aliens, and individuals with a valid visa will be hired to perform the services under the contract or any subcontract of such contract; (ii) state in all solicitations or advertisements for employees placed by or on behalf of the contractor that the contractor will hire only citizens of the United States, legal resident aliens, and individuals with a valid visa to perform the services under the contract or any subcontract of such contract; and (iii) include the provisions of the foregoing clauses in every subcontract or purchase order, so that the provisions will be binding upon each subcontractor or vendor.

*Patron:* Marshall, R.G.

01/02/06 House: Prefiled and ordered printed; offered 01/11/06 064860396

01/02/06 House: Referred to Committee on General Laws

01/12/06 House: Fiscal impact statement from DPB (HB185)

01/18/06 House: Assigned to General Laws sub-committee: #2 FOIA/Procurement (Marshall, D.)

**Notes:** City Position: Oppose

**HB 224 Courthouse security; increase in assessments.**

*Summary as introduced:*

**Courthouse security; assessment.** Increases from \$5 to \$20 the part of the costs in each criminal or traffic case in district or circuit courts in which the defendant is convicted of a violation of any statute or ordinance that is used to provide and maintain courthouse security.

*Patron:* Jones, D.C.

01/03/06 House: Prefiled and ordered printed; offered 01/11/06 060947364

01/03/06 House: Referred to Committee for Courts of Justice

01/12/06 House: Assigned to Courts of Justice sub-committee: Civil Law ...

**Notes:** City Position: Support

**HB 225 Payday loans; use of Internet database for borrowers, rollovers prohibited by lenders.**

*Summary as introduced:*

**Payday lending; rollovers; database.** Requires the State Corporation Commission on or before July 1, 2007, to contract with a third party to establish and administer a database with real-time access through an Internet connection to ensure compliance with the Payday Loan Act. The measure also prohibits payday lenders from entering into a payday loan with a person who has an outstanding payday loan with that licensee or affiliate or with any other payday lender, or with a person whose previous payday loan has been terminated for less than 30 days, and from extending or continuing a payday loan where the lender continues to hold the borrower's check or substitutes a new check.

*Patron:* Jones, D.C.

01/03/06 House: Prefiled and ordered printed; offered 01/11/06 060956364

01/03/06 House: Referred to Committee on Commerce and Labor

01/10/06 House: Fiscal impact statement from SCC (HB225)

01/18/06 House: Assigned to Commerce and Labor sub-committee: Financial Institutions (Dudley)

**Notes:** City Position: Oppose

**HB 227 Domestic violence; confidentiality of records.**

*Summary as introduced:*

**Domestic violence; confidentiality of records.** Requires the Director of the Department of Social Services to work with the Statewide Domestic Violence Coalition to develop policies and implement methods to assure the confidentiality of records pertaining to the address or location of any shelter or facility assisted under the Family Violence Prevention and Services Act, 42 U.S.C. § 10401 et seq.

*Patron:* Jones, D.C.

01/03/06 House: Prefiled and ordered printed; offered 01/11/06 065614364

01/03/06 House: Referred to Committee on Health, Welfare and Institutions

01/17/06 House: Fiscal impact statement from DPB (HB227)

01/19/06 House: Incorporated by Health, Welfare and Institutions (HB1156-Janis)

**Notes:** City Position: Support

**HB 248 Retail Sales and Use Tax; exemptions include certain contractors.**

*Summary as introduced:*

**Sales and use tax; exemption for certain contractors.** Exempts from paying the sales and use tax any person who contracts on or after July 1, 2006, to perform services for and provide tangible personal property for consumption or use by the Commonwealth, any political subdivision of the Commonwealth, or the United States, if the Commonwealth, political subdivision, or the United States certifies that title to such tangible personal property will pass to such governmental entity.

*Patron:* Shannon

01/04/06 House: Prefiled and ordered printed; offered 01/11/06 067873502

01/04/06 House: Referred to Committee on Finance

01/18/06 House: Assigned to Finance sub-committee: #1 (Orrock)

**Notes:** City Position: Oppose

**HB 255 Line of Duty Act; mandatory training required for employees covered thereby.**

*Summary as introduced:*

**Line of Duty Act; mandatory training.** Requires the Secretary of Public Safety to develop training guidelines to be distributed to agencies and localities with employees covered by the Line of Duty Act. Each agency or locality shall be required to provide a minimum of one hour of training concerning the Act to its eligible employees. The training will count towards in-service credit requirements for law-enforcement officers.

*Patron:* Cosgrove

01/04/06 House: Prefiled and ordered printed; offered 01/11/06 064170276

01/04/06 House: Referred to Committee on Militia, Police and Public Safety

**Notes:** City Position: Support

**HB 262 Higher education; prohibits admission of illegal aliens to any public institution in State.**

*Summary as introduced:*

**Admission of illegal aliens to public institutions of higher education.** Provides that an alien who is unlawfully present in the United States shall not be eligible for admission to any public institution of higher education in the Commonwealth.

*Patrons:* Hargrove, Gilbert, Landes, Lohr and Ware, R.L.

01/04/06 House: Prefiled and ordered printed; offered 01/11/06 066606320

01/04/06 House: Referred to Committee on Education

01/18/06 House: Assigned to Education sub-committee: Higher Education (Rust)

**Notes:** City Position: Oppose

**HB 307 Zoning ordinance; raises maximum misdemeanor penalty for violation thereof.**

*Summary as introduced:*

**Zoning violations; penalties.** Raises the maximum misdemeanor penalty for a zoning violation from \$1,000 to \$2,000. The misdemeanor maximum penalty for failure to remove or abate a zoning violation within the time period established by the court also increases from \$1,000 to \$2,000. Each 10-day period during which a zoning violation continues after the conviction or court-ordered abatement period has ended shall constitute a separate offense punishable by a fine of not less than \$100 nor more than \$2,500.

*Patron:* Rust

01/04/06 House: Prefiled and ordered printed; offered 01/11/06 063534492

01/04/06 House: Referred to Committee on Counties, Cities and Towns

**Notes:** City Position: Support

**HB 314 DMV; assessment of fees on certain drivers.**

*Summary as introduced:*

**Assessment of fees by Department of Motor Vehicles (DMV) on certain drivers; use of fees collected.** Requires the DMV Commissioner to impose and collect fees on drivers who have accumulated more than four net driver demerit points or have been convicted of reckless driving, aggressive driving, driving on a suspended or revoked license, DUI, or any other misdemeanor involving operation of a motor vehicle. Annually, minus the cost of collection, the funds shall be deposited into the state treasury and credited to the county, city, or town where the assessed person resides according to his address on record with the Department and, in consultation with the Commonwealth Transportation Board and the General Assembly, shall be used to pay for residential and secondary road improvements.

*Patrons:* Albo and Rust

01/04/06 House: Prefiled and ordered printed; offered 01/11/06 063531204

01/04/06 House: Referred to Committee on Transportation

01/18/06 House: Assigned to Transportation sub-committee: #3 (Carrico)

**Notes:** City Position: Oppose

**HB 315 Real estate tax; limitation on tax rate.**

*Summary as introduced:*

**Real estate tax; limitation on tax rate.** Provides that the total tax revenue in a locality may not exceed 105% of the total tax revenue in the locality in the immediately prior year unless approved by at least a two-thirds majority vote of the local governing body.

*Patron:* Albo

01/04/06 House: Prefiled and ordered printed; offered 01/11/06 063532204

01/04/06 House: Referred to Committee on Finance

01/18/06 House: Assigned to Finance sub-committee: #1 (Orrock)

**Notes:** City Position: Oppose

**HB 319 Personal property tax; valuation of automobiles.**

*Summary as introduced:*

**Personal property tax; valuation of automobiles.** Requires that automobiles be valued for personal property tax purposes according to the National Automobile Dealers Association Used

Car Pricing Guide or the Kelley Blue Book, whichever reports a lower value.

*Patron:* Albo

01/04/06 House: Prefiled and ordered printed; offered 01/11/06 063696204

01/04/06 House: Referred to Committee on Finance

01/12/06 House: Fiscal impact statement from TAX (HB319)

01/18/06 House: Assigned to Finance sub-committee: #1 (Orrock)

**Notes:** City Position: Oppose

**HB 320 Residential Landlord and Tenant Act; noncompliance of rental agreement, landlord to recover damages.**

*Summary as introduced:*

**Virginia Residential Landlord and Tenant Act; noncompliance with rental agreement; recovery of treble damages by landlord.** Provides that if the landlord proves by a preponderance of the evidence that the tenant has a recurrence of noncompliance with the rental agreement, the landlord shall be entitled to recover treble damages.

*Patron:* Albo

01/04/06 House: Prefiled and ordered printed; offered 01/11/06 064271204

01/04/06 House: Referred to Committee on General Laws

01/18/06 House: Assigned to General Laws sub-committee: #1 Housing (Suit)

**Notes:** City Position: Oppose

**HB 333 Retirement System; employer contribution rates.**

*Summary as introduced:*

**Virginia Retirement System; employer contribution rates.** Requires the Virginia Retirement System to perform long-term planning strategies to avoid sudden, significant increases in employer contribution rates.

*Patron:* Toscano

01/05/06 House: Prefiled and ordered printed; offered 01/11/06 066535525

01/05/06 House: Referred to Committee on Appropriations

**Notes:** City Position: Support

**HB 334 Absentee voting and ballot applications; no qualification for voters to use.**

*Summary as introduced:*

**Elections; absentee voting.** Provides that qualified voters may vote absentee for any reason. The bill eliminates the present statutory list of specific reasons entitling a voter to cast an absentee ballot. Several special provisions concerning military and overseas absentee voters and disabled voters are consolidated in one new provision.

*Patron:* Toscano

01/05/06 House: Prefiled and ordered printed; offered 01/11/06 065613525

01/05/06 House: Referred to Committee on Privileges and Elections

01/13/06 House: Incorporated by Privileges and Elections (HB11-Parrish)

01/17/06 House: Fiscal impact statement from DPB (HB334)

**Notes:** City Position: Support



**HB 336 Building permit; none required if erecting tent intended for temporary structure.**

*Summary as introduced:*

**Uniform Statewide Building Code; certain temporary structures.** Authorizes the erection of certain tents intended to serve as temporary structures for a period of three days or less without a building permit.

*Patron:* Orrock

01/05/06 House: Prefiled and ordered printed; offered 01/11/06 065446448

01/05/06 House: Referred to Committee on Counties, Cities and Towns

**Notes:** City Position: Oppose

**HB 342 Law-enforcement officer; circumstances under which may detain person suspected of criminal activity.**

*Summary as introduced:*

**Temporary custodial detention of a person; penalty.** Sets out circumstances under which a law-enforcement officer may detain a person suspected of criminal activity past, present, or future and require him to identify himself. Failure to identify oneself is a Class 1 misdemeanor.

*Patron:* Sherwood

01/06/06 House: Prefiled and ordered printed; offered 01/11/06 060021504

01/06/06 House: Referred to Committee on Militia, Police and Public Safety

**Notes:** City Position: Oppose

**HB 366 Mopeds, motorcycles, etc; localities to adopt ordinances regualting noise therefrom.**

*Summary as introduced:*

**Mopeds, motorized scooters and skateboards.** Allows localities to adopt ordinances regulating noise from mopeds and motorized scooters and skateboards. The bill also revises the definitions of "electric power-assisted bicycle," "moped," and "motorcycle," and defines "motorized skateboard or scooter" and "motor-driven cycle" and limits where motorized skateboards and scooters and motor-driven cycles may lawfully be operated.

*Patron:* Carrico

01/06/06 House: Prefiled and ordered printed; offered 01/11/06 068724264

01/06/06 House: Referred to Committee on Transportation

01/18/06 House: Assigned to Transportation sub-committee: #3 (Carrico)

**Notes:** City Position: Support

**HB 368 Juveniles; mental health facility recommendations are admissible during commitment hearing.**

*Summary as introduced:*

**Hearing for involuntary commitment of a minor; admissibility of state recommendations.** States that state mental health facility recommendations are admissible during an involuntary commitment hearing of a minor. Also strikes language "or resides" throughout the statutes.

*Patron:* Carrico

01/06/06 House: Prefiled and ordered printed; offered 01/11/06 067849264

01/06/06 House: Referred to Committee for Courts of Justice

01/18/06 House: Assigned to Courts of Justice sub-committee: Civil Law ...

**Notes:** City Position: Support

**HB 374 Constitutional amendment (voter referendum); marriage.**

*Summary as introduced:*

**Constitutional amendment (voter referendum); marriage.** Provides for a referendum at the November 2006 election on approval of a proposed constitutional amendment to define marriage. The proposed amendment provides that "only a union between one man and one woman may be a marriage valid in or recognized by this Commonwealth and its political subdivisions." The proposed amendment also prohibits the Commonwealth and its political subdivisions from creating or recognizing "a legal status for relationships of unmarried individuals that intends to approximate the design, qualities, significance, or effects of marriage." Further, the proposed amendment prohibits the Commonwealth or its political subdivisions from creating or recognizing "another union, partnership, or other legal status to which is assigned the rights, benefits, obligations, qualities, or effects of marriage."

*Patrons:* Marshall, R.G., Cosgrove and Byron

01/06/06 House: Prefiled and ordered printed; offered 01/11/06 063185396

01/06/06 House: Referred to Committee on Privileges and Elections

01/11/06 House: Incorporated by Privileges and Elections (HB101-Cosgrove)

**Notes:** City Position: Oppose

**HB 393 Condominium Act; allows elderly or disabled tenants in conversion units to assign purchase right.**

*Summary as introduced:*

**Condominium Act; conversion condominiums; rights of certain elderly or disabled persons.** Gives a tenant in a conversion condominium who is elderly or disabled and eligible for a lease extension under current law and ordinance, the ability to assign the right to purchase his unit to a government agency, housing authority, or nonprofit corporation for the purpose of leasing that unit back to the tenant and keeping the unit as affordable housing.

*Patron:* Englin

01/06/06 House: Prefiled and ordered printed; offered 01/11/06 064250299

01/06/06 House: Referred to Committee on General Laws

01/18/06 House: Assigned to General Laws sub-committee: #3 ABC/Gaming (Gear)

01/18/06 House: Fiscal impact statement from DPB (HB393)

**Notes:** City Position: Support

**HB 394 Income tax, state; credit for low-income taxpayers.**

*Summary as introduced:*

**Income tax; tax credit for low-income renters.** Provides an income tax credit for taxable years beginning on or after January 1, 2007, for certain low-income individuals and persons filing joint returns in an amount equal to 25% of their annual housing rental expenses up to an amount equal to 6% of the federal poverty guidelines.

*Patron:* Englin

01/06/06 House: Prefiled and ordered printed; offered 01/11/06 064251299

01/06/06 House: Referred to Committee on Finance

01/18/06 House: Assigned to Finance sub-committee: #3 (Ware, R.L.)

**Notes:** City Position: Support

**HB 398 Stalking; penalty for second conviction.**

*Summary as introduced:*

**Subsequent offenses of stalking; penalty.** Provides that a second stalking conviction occurring within two years shall be a Class 6 felony rather than a Class 1 misdemeanor. Currently, there is no such increased penalty. This would complement the existing increased penalty (from a Class 1 misdemeanor to a Class 6 felony) that results from a third or subsequent conviction within five years.

*Patron:* Wittman

01/06/06 House: Prefiled and ordered printed; offered 01/11/06 066034554

01/06/06 House: Referred to Committee for Courts of Justice

01/11/06 House: Fiscal impact statement from VCSC (HB398)

01/12/06 House: Assigned to Courts of Justice sub-committee: Criminal L...

**Notes:** City Position: Support

**HB 418 Human Anti-Trafficking Act; created.**

*Summary as introduced:*

**Human Anti-Trafficking Act.** Creates the Human Anti-Trafficking Act and punishes trafficking in humans for forced labor as a Class 5 felony and trafficking in minors for sexual activity as a Class 4 felony. The measure also provides for civil remedies for the victims.

*Patron:* Bulova

01/06/06 House: Prefiled and ordered printed; offered 01/11/06 060944254

01/06/06 House: Referred to Committee for Courts of Justice

01/11/06 House: Fiscal impact statement from VCSC (HB418)

01/18/06 House: Assigned to Courts of Justice sub-committee: Criminal L...

**Notes:** City Position: Support

**HB 450 Income tax, state; land preservation tax credit.**

*Summary as introduced:*

**Income tax; land preservation tax credits.** Removes the \$100,000 annual credit limit that a taxpayer may take for qualified donations of conservation easements and requires the filing of a statement for less-than-fee interest donations that describes how such interest meets the requirements of IRC § 170(h). It also adds as qualified donations easements on historic buildings or a complex of historic buildings or a portion of such buildings if the building is listed on the Virginia Landmarks Register, provided there are restrictions on the exterior surfaces of the building or complex of buildings. A fee of 1% of the value of the donated interest, or \$5,000, whichever is less, is imposed on any taxpayer who transfers unused tax credits.

*Patron:* Ware, R.L.

01/09/06 House: Prefiled and ordered printed; offered 01/11/06 067346540

01/09/06 House: Referred to Committee on Finance

01/18/06 House: Assigned to Finance sub-committee: #3 (Ware, R.L.)

**Notes:** City Position: Support

**HB 456 Private waste companies; requirements thereof.**

*Summary as introduced:*

**Displacement of private waste companies.** Adds requirements to the procedures localities must follow before displacing private companies providing garbage, trash, or refuse collection services. Such requirements include making a written finding of at least one of the following: (i) privately-owned refuse collection and disposal services are not available; (ii) the use of privately-owned and operated services has substantially endangered the public health or created a public nuisance; (iii) privately-owned services, although available, are not able to provide needed services in a reasonable and cost-efficient manner; or (iv) displacement is necessary to provide for the development or operation of a regional system of refuse collection or disposal for two or more localities.

*Patron:* Rust

01/09/06 House: Prefiled and ordered printed; offered 01/11/06 063530492

01/09/06 House: Referred to Committee on Counties, Cities and Towns

**Notes:** City Position: Oppose

**HB 458 Public Procurement Act; public body to enter into cooperative procurement for professional services.**

*Summary as introduced:*

**Virginia Public Procurement Act; cooperative procurement; professional services.** Allows a public body to enter into cooperative procurements for professional services, even though the public body did not participate in the request for proposal or invitation to bid, if the request for proposal or invitation to bid specified that the procurement was being conducted on behalf of other public bodies.

*Patron:* Rust

01/09/06 House: Prefiled and ordered printed; offered 01/11/06 063645400

01/09/06 House: Referred to Committee on General Laws

01/17/06 House: Fiscal impact statement from DPB (HB458)

01/18/06 House: Assigned to General Laws sub-committee: #2 FOIA/Procurement (Marshall, D.)

**Notes:** City Position: Support

**HB 463 Passenger cars; those owned by local governments.**

*Summary as introduced:*

**Passenger cars owned by local governments.** Requires that passenger cars that are owned by local governments and registered under subsection A of § 46.2-750 ("local government use" license plates) be conspicuously marked with the seal, symbol, emblem, or logotype of the county, city or town. Operation of a vehicle required to be marked with a local government seal, symbol, emblem, or logotype without such marking constitutes a traffic infraction.

*Patron:* Ingram

01/09/06 House: Prefiled and ordered printed; offered 01/11/06 061142344

01/09/06 House: Referred to Committee on Transportation

01/18/06 House: Assigned to Transportation sub-committee: #2 (Saxman)

**Notes:** City Position: Oppose

**HB 469 Moped; clarification of definition.**

*Summary as introduced:*

**Definition of "moped" in Title 46.2.** Provides that, for the purposes of Title 46.2 ( Motor Vehicles) of the Code, "moped" will mean a federal Department of Transportation approved motorized conveyance that has a seat height not less than 21 inches from the ground, on which the operator must be seated during operation; has an engine displacement of 50 cubic centimeters or less; produces a maximum of two braking horsepower or less; is capable of a maximum speed of 30 miles per hour or less; and has a valid Virginia state inspection pursuant to § 46.2-1157.

*Patron:* Ingram

01/09/06 House: Prefiled and ordered printed; offered 01/11/06 068780344

01/09/06 House: Referred to Committee on Transportation

01/18/06 House: Assigned to Transportation sub-committee: #3 (Carrico)

**Notes:** City Position: Support

**HB 484 Retail Sales and Use Tax; exemptions include school-related items, computers, etc.**

*Summary as introduced:*

**Sales and use tax exemption; school supplies, clothing and footwear, and computers.**

Provides a sales and use tax exemption for certain school supplies, clothing and footwear, and computers purchased during a seven-day period each year beginning on the Tuesday prior to the first Monday in September, beginning in 2006. The exempt items are: each article of school supplies with a selling price of \$20 or less, each article of clothing or footwear with a selling price of \$100 or less, and each article of computers or related peripheral equipment with a selling price of \$1,500 or less. The bill also authorizes dealers to absorb the sales and use tax on all other items sold during the same time period and thereby relieve the purchasers of the obligation to pay such tax. Dealers who absorb such taxes are liable for payment of the same to the Tax Commissioner.

*Patron:* Frederick

01/09/06 House: Prefiled and ordered printed; offered 01/11/06 063563303

01/09/06 House: Referred to Committee on Finance

01/16/06 House: Fiscal impact statement from TAX (HB484)

01/18/06 House: Assigned to Finance sub-committee: #1 (Orrock)

**Notes:** City Position: Support

**HB 485 Recordation tax; reduces rates to levels prior to increase imposed.**

*Summary as introduced:*

**Recordation tax.** Reduces the recordation tax rates to the levels prior to the increase imposed by Chapter 3 of the Acts of Assembly of 2004, Special Session I.

*Patron:* Frederick

01/09/06 House: Prefiled and ordered printed; offered 01/11/06 063556303

01/09/06 House: Referred to Committee on Finance  
01/18/06 House: Assigned to Finance sub-committee: #1 (Orrock)  
**Notes:** City Position: Oppose

**HB 509 Retail sales and use tax; exemption on clothing, school supplies, computers and sports equipment.**

*Summary as introduced:*

**Sales and use tax exemption; clothing, school supplies, computers, and sport or recreational equipment.** Provides a sales and use tax exemption for purchases made during a three-day period each year beginning the first Friday in August of the following items: (i) clothing with a sales price of \$100 or less per item; (ii) school supplies with a sales price of \$100 or less per item; (iii) computers with a sales price of \$3,500 or less per item; and (iv) sport or recreational equipment with a sales price of \$50 or less per item. The exemption does not apply to sales of items for use in a trade or business. The bill also authorizes dealers to absorb the sales and use tax on all other items sold during the same time period and thereby relieve the purchasers of the obligation to pay such tax. Dealers who absorb such taxes are liable for payment of the same to the Tax Commissioner.

*Patron:* Armstrong

01/09/06 House: Prefiled and ordered printed; offered 01/11/06 069505216  
01/09/06 House: Referred to Committee on Finance  
01/17/06 House: Fiscal impact statement from TAX (HB509)  
01/18/06 House: Assigned to Finance sub-committee: #1 (Orrock)  
**Notes:** City Position: Support

**HB 527 DMV; assessment of fees on certain drivers.**

*Summary as introduced:*

**Assessment of fees by Department of Motor Vehicles (DMV) on certain drivers; use of fees collected.** Requires the DMV Commissioner to impose and collect fees on drivers who have accumulated more than four net driver demerit points or have been convicted of reckless driving, aggressive driving, driving on a suspended or revoked license, DUI, or any other misdemeanor involving operation of a motor vehicle. Annually, the first \$40 million of these fees, minus cost of collection, will be directed to the Transportation Partnership Opportunity Fund and the remainder will be directed to the Local Congestion Mitigation Incentive Fund.

*Patrons:* Rust and Albo

01/09/06 House: Prefiled and ordered printed; offered 01/11/06 067923492  
01/09/06 House: Referred to Committee on Transportation  
01/18/06 House: Assigned to Transportation sub-committee: #3 (Carrico)  
**Notes:** City Position: Oppose

**HB 528 Retail Sales & Use Tax; exemption for clothing and computers.**

*Summary as introduced:*

**Sales and use tax holiday for clothing and computers.** Establishes a sales and use tax exemption during the period from August 23 through August 27, 2006, and each such time period

thereafter, for "clothing and footwear" costing less than \$200 per article; "computer systems" costing less than \$1,250; and "computers," "computer hardware," and "computer software" costing less than \$500. The bill also requires the Department of Taxation to promulgate regulations that implement the temporary exemption program by August 1, 2006.

*Patrons:* Rust, Cosgrove, Reid and Welch

01/09/06 House: Prefiled and ordered printed; offered 01/11/06 064235492

01/09/06 House: Referred to Committee on Finance

01/16/06 House: Fiscal impact statement from TAX (HB528)

01/18/06 House: Assigned to Finance sub-committee: #1 (Orrock)

**Notes:** City Position: Support

### **HB 532 Sales and use tax exemption; school supplies, clothing and footwear, and computers.**

*Summary as introduced:*

#### **Sales and use tax exemption; school supplies, clothing and footwear, and computers.**

Provides a sales and use tax exemption, beginning in 2006, for certain school supplies, clothing and footwear, and computers purchased during a three-day period each year beginning on the first Friday in August. The exempt items are: each school supply item with a selling price of \$20 or less, each article of clothing or footwear with a selling price of \$100 or less, and each computer or related peripheral equipment with a selling price of \$1,500 or less. The bill also authorizes dealers to absorb the sales and use tax on all other items sold during the same time period and thereby relieve the purchasers of the obligation to pay such tax. Dealers who absorb such taxes are liable for payment of the same to the Tax Commissioner.

*Patrons:* Parrish, Caputo and McQuigg

01/09/06 House: Prefiled and ordered printed; offered 01/11/06 064591452

01/09/06 House: Referred to Committee on Finance

01/16/06 House: Fiscal impact statement from TAX (HB532)

01/18/06 House: Assigned to Finance sub-committee: #1 (Orrock)

**Notes:** City Position: Support

### **HB 536 Sales and use tax; exemption for certain contractors.**

*Summary as introduced:*

**Sales and use tax; exemption for certain contractors.** Exempts from paying the sales and use tax any person who contracts on or after July 1, 2006, to perform services for and provide tangible personal property for consumption or use by the Commonwealth, any political subdivision of the Commonwealth, or the United States, if the Commonwealth, political subdivision, or the United States certifies that title to such tangible personal property will pass to such governmental entity.

*Patrons:* Parrish; Senator: Colgan

01/09/06 House: Prefiled and ordered printed; offered 01/11/06 061653452

01/09/06 House: Referred to Committee on Finance

01/18/06 House: Assigned to Finance sub-committee: #1 (Orrock)

**Notes:** City Position: Oppose

### **HB 539 Minimum wage; increases per hour thereof.**

*Summary as introduced:*

**Minimum wage.** Increases the minimum wage from its current federally mandated level of \$5.15 per hour to \$6.15 per hour effective July 1, 2006; to \$7.15 per hour effective July 1, 2007; and to \$8.15 per hour effective July 1, 2008. For subsequent years, the minimum wage will be adjusted annually on July 1 to reflect changes in the Consumer Price Index for the preceding calendar year, as determined by the Commissioner of Labor and Industry.

*Patrons:* Callahan, Eisenberg, Brink, Ebbin, Englin, Hull, Miller, Parrish, Plum, Scott, J.M., Sickles, Tata, Toscano and Watts; *Senators:* Colgan, Howell, Puller, Ticer and Whipple

01/09/06 House: Prefiled and ordered printed; offered 01/11/06 063407260

01/09/06 House: Referred to Committee on Commerce and Labor

01/18/06 House: Assigned to Commerce and Labor sub-committee: Utilities/Employment (Byron)

**Notes:** City Position: Support

**HB 546 Concealed handgun permits; retired law-enforcement officers denied written proof of consultation.**

*Summary as introduced:*

**Concealed handgun permits; retired law-enforcement officers.** Provides an appeal process for retired local law-enforcement officials denied written proof of consultation to carry a concealed handgun. If the chief law-enforcement officer denies the proof to the retired officer, the retired officer may appeal to the attorney for the Commonwealth.

*Patron:* Griffith

01/09/06 House: Prefiled and ordered printed; offered 01/11/06 063916308

01/09/06 House: Referred to Committee on Militia, Police and Public Safety

**Notes:** City Position: Support

**HB 562 Absentee voting; eliminates present list of reasons entitling voter to cast absentee ballot.**

*Summary as introduced:*

**Elections; absentee voting.** Provides that qualified voters may vote absentee for any reason. The bill eliminates the present statutory list of specific reasons entitling a voter to cast an absentee ballot. Several special provisions concerning military and overseas absentee voters and disabled voters are consolidated in one new provision.

*Patrons:* Amundson, Moran, Plum, Rust and Watts; *Senators:* Howell, Ticer and Whipple

01/09/06 House: Prefiled and ordered printed; offered 01/11/06 064264212

01/09/06 House: Referred to Committee on Privileges and Elections

01/17/06 House: Fiscal impact statement from DPB (HB562)

01/18/06 House: Assigned to Privileges and Elections sub-committee: #2 (Jones, S. C.)

**Notes:** City Position: Support

**HB 568 Communications tax reform; revises services, report.**

*Summary as introduced:*

**Communications tax reform.** Completely revises the taxation of communications services as follows.



Applies a statewide communications sales and use tax to retail communication and video services on a competitively neutral basis. The communications sales and use tax rate will be 5% on the following:

Local Exchange

Paging

Inter-Exchange (Both interstate and intrastate)

Cable Television

Satellite Television

Wireless

Voice over the Internet (VoIP)

A \$0.75 "911 Tax" will be applied to each local exchange line (landline) and the current \$0.75 "911 Fee" will continue to be applied to each wireless number.

The state communications sales and use tax, and state 911 fees and taxes replace the following currently billed taxes and fees:

Local Consumer Utility Tax (LCUT)

Local Gross Receipts Tax (BPOL) - (Only the portion above 0.5% currently billed to customers, where applicable)

Local E-911

Virginia Relay Fee

Cable Franchise Fee

A statewide rights-of-way use fee will be applied to all cable TV service lines as is currently applied on all local exchange telephone lines. The rate of the fee will be the same as determined annually by the Virginia Department of Transportation in accordance with § 56-468.1 of the Virginia Code.

The sales and use tax, 911 tax, and the cable rights-of-way fee assessed on consumers of video services from a single provider will be remitted to the Virginia Department of Taxation, which will administer the distribution of the Communications Sales and Use Tax Trust Fund within 30 days of receipt of the collections for a given month. The rights-of-way use fee assessed on consumers of both cable video services and voice services from a single provider will be remitted in accordance with subsection I of § 56-468.1. The 911 fees will be remitted directly to the Wireless 911 Board for administration.

The redistribution of taxes and fees is intended to be revenue neutral to localities and the Wireless 911 Board and shall cover the current cost of the Virginia Relay Center.

The provisions of the act will be effective on January 1, 2007.

*Patron:* Nixon

01/10/06 House: Prefiled and ordered printed; offered 01/11/06 061601432

01/10/06 House: Referred to Committee on Finance

**Notes:** City Position: Support

### **HB 578 Income tax and personal property tax; allows localities to impose.**

*Summary as introduced:*

**Local piggyback income tax and personal property tax.** Allows localities to impose a local income tax at a rate of either 0.50% or 1% upon the Virginia taxable income of individuals, trusts,

estates, and corporations provided the personal property tax rate does not exceed \$0.01 per \$100 of value on personally owned motor vehicles. The Tax Commissioner collects the tax and returns it to localities based on taxpayers' residences. A new classification for personal property tax purposes is created for motor vehicles used for nonbusiness purposes. The provisions of the act will take effect January 1, 2007.

*Patron:* Watts

01/10/06 House: Prefiled and ordered printed; offered 01/11/06 064132544

01/10/06 House: Referred to Committee on Finance

01/18/06 House: Assigned to Finance sub-committee: #1 (Orrock)

**Notes:** City Position: Support

**HB 581 Motor fuel tax; rate increase.**

*Summary as introduced:*

**Motor fuel tax; rate increase.** Increases the tax on gasoline, diesel fuel, and alternative fuel by \$0.085 per gallon, increases the motor carrier road tax by an equivalent of \$0.085 per gallon of fuel used in the Commonwealth, and increases the alternative use fee for certain motor carriers from \$100 to \$150 (the fee is an alternative to paying the motor carrier road tax). All motor fuels taxes will be indexed every two years beginning July 1, 2007, by an amount equal to the percentage change in the U.S. Department of Labor's Producer Price Index for Highway and Street Construction. The revenue generated is used for transportation purposes as required by existing law.

*Patron:* Watts

01/10/06 House: Prefiled and ordered printed; offered 01/11/06 067881544

01/10/06 House: Referred to Committee on Finance

01/18/06 House: Assigned to Finance sub-committee: #2 (Purkey)

**Notes:** City Position: Support

**HB 587 Absentee voting & ballot applications; persons 65 or older & any disabled person may vote absentee.**

*Summary as introduced:*

**Elections; absentee voting and absentee ballot applications.** Provides that any person who will be age 65 or older on the election day, and any disabled person who is entitled to request assistance in voting, may vote absentee.

*Patrons:* Watts, Amundson, Callahan, Moran, Plum, Rust, Scott, J.M. and Sickles; Senators: Howell, Ticer and Whipple

01/10/06 House: Prefiled and ordered printed; offered 01/11/06 064130544

01/10/06 House: Referred to Committee on Privileges and Elections

01/18/06 House: Assigned to Privileges and Elections sub-committee: #2 (Jones, S. C.)

**Notes:** City Position: Support

**HB 598 Emergency medical services personnel; required to report child abuse or neglect.**

*Summary as introduced:*

**Emergency medical services personnel; reporting child abuse; penalty.** Adds emergency

medical services personnel certified by the Board of Health to the list of those required to report suspected child abuse or neglect.

*Patrons:* Cosgrove and Fralin

01/10/06 House: Prefiled and ordered printed; offered 01/11/06 062015440

01/10/06 House: Referred to Committee on Health, Welfare and Institutions

**Notes:** City Position: Support

**HB 610 Emergency medical services; facilitates development of quality of care initiative within system.**

*Summary as introduced:*

**Facilitating an emergency medical services quality of care initiative; civil immunity and privileged communications.** Facilitates the development of a quality of care initiative in the emergency medical services system by providing civil immunity for members of entities monitoring such care and rendering their communications privileged in the same manner as provided to other professional groups.

*Patron:* O'Bannon

01/10/06 House: Prefiled and ordered printed; offered 01/11/06 062013440

01/10/06 House: Referred to Committee for Courts of Justice

01/17/06 House: Fiscal impact statement from DPB (HB610)

01/18/06 House: Assigned to Courts of Justice sub-committee: Civil Law ...

**Notes:** City Position: Support

**HB 615 Assault and battery; penalty when committed against family member.**

*Summary as introduced:*

**Domestic assault; enhanced punishment.** Clarifies that the enhanced punishment (Class 6 felony for a third conviction) provisions apply when there have been three offenses that occurred on a different date. There has been some confusion as to whether there have to be three different conviction dates or three different offense dates.

*Patron:* O'Bannon

01/10/06 House: Prefiled and ordered printed; offered 01/11/06 061155440

01/10/06 House: Referred to Committee for Courts of Justice

01/18/06 House: Assigned to Courts of Justice sub-committee: Criminal L...

**Notes:** City Position: Support

**HB 619 Pay day loans; repealing Act referring thereto.**

*Summary as introduced:*

**Financial Institutions; pay day lenders.** Repeals the Pay Day Loan Act.

*Patron:* O'Bannon

01/10/06 House: Prefiled and ordered printed; offered 01/11/06 062420440

01/10/06 House: Referred to Committee on Commerce and Labor

01/18/06 House: Assigned to Commerce and Labor sub-committee: Financial Institutions (Dudley)

**Notes:** City Position: Support

**HB 647 Solid waste planning; units to maintain recycling and target rates.**

*Summary as introduced:*

**Solid waste management plans.** Establishes a new regime for credits that can be used in meeting a solid waste planning unit's recycling rate. Currently, a credit of one ton for each ton of recycling residue generated and deposited in a landfill, not to exceed one-fifth of the 25% requirement, is allowed in calculating the planning unit's recycling rate. This bill would not change the credit for recycling residue but, in addition, would extend a two percentage point credit for source reduction programs implemented within the planning unit, a ton-for-ton credit for solid waste material that is reused, and a ton-for-ton credit for any non-municipal solid waste material that is recycled. The current requirement that a planning unit maintain a minimum 25% recycling rate is reduced for less densely populated planning units or those with high unemployment rates. The bill stipulates that a planning unit not meeting its mandated recycling rate cannot be the sole reason for the denial of a permit or permit amendment for a new sanitary landfill, incinerator, or waste-to-energy facility.

*Patrons:* Scott, E.T. and Lewis

01/20/06 House: Fiscal impact statement from DPB (HB647)

01/20/06 House: Read second time

01/20/06 House: Committee amendment agreed to

01/20/06 House: Engrossed by House as amended HB647E

01/20/06 House: Printed as engrossed 063666498-E

**Notes:** City Position: Oppose

**HB 683 DMV; assessment of fees on certain drivers.**

*Summary as introduced:*

**Assessment of fees by Department of Motor Vehicles (DMV) on certain drivers; use of fees collected.** Requires the DMV Commissioner to impose and collect fees on drivers who have accumulated more than four net driver demerit points or have been convicted of reckless driving, aggressive driving, driving on a suspended or revoked license, DUI, or any other misdemeanor involving operation of a motor vehicle. Annually, the first \$40 million of these fees, minus cost of collection, will be directed to the Transportation Partnership Opportunity Fund and the remainder will be directed to the Local Congestion Mitigation Incentive Fund.

*Patron:* Rust

01/10/06 House: Prefiled and ordered printed; offered 01/11/06 068833492

01/10/06 House: Referred to Committee on Transportation

01/18/06 House: Assigned to Transportation sub-committee: #3 (Carrico)

**Notes:** City Position: Oppose

**HB 686 Subdivision ordinances; provisions to allow locality to construct sidewalk.**

*Summary as introduced:*

**Sidewalks.** Allows localities to include in their subdivision ordinances provisions requiring the dedication for public use of a right-of-way for, and the construction of, a sidewalk on any lot that is adjacent to an existing or proposed sidewalk.

*Patron:* Brink

01/10/06 House: Prefiled and ordered printed; offered 01/11/06 065444248

01/10/06 House: Referred to Committee on Counties, Cities and Towns

**Notes:** City Position: Support

**HB 689 Farmers markets; exempt from restaurant requirements.**

*Summary as introduced:*

**Farmers markets exempt from restaurant requirements.** Exempts local retail farmers markets that have been established by any locality from the Board of Health's requirements for licensure of restaurants and other food services.

*Patrons:* Abbitt and Hogan

01/10/06 House: Prefiled and ordered printed; offered 01/11/06 062031200

01/10/06 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources

01/17/06 House: Fiscal impact statement from DPB (HB689)

**Notes:** City Position: Oppose

**HB 708 Retail Sales and Use Tax; exemptions include certain school-related items.**

*Summary as introduced:*

**Sales and use tax exemption; school-related items.** Provides a sales and use tax exemption for certain school-related items purchased during a specific one-week period during the end of August each year, beginning in 2006. The exempt items are: school supplies, footwear, and clothing when the selling price of each item is \$100 or less. The bill also authorizes dealers to absorb the sales and use tax on all other items sold during the same time period and thereby relieve the purchaser of the obligation to pay such tax. Dealers who absorb such taxes are liable for payment of the same to the Tax Commissioner.

*Patrons:* Ware, O. and Fralin

01/10/06 House: Prefiled and ordered printed; offered 01/11/06 063395538

01/10/06 House: Referred to Committee on Finance

01/17/06 House: Fiscal impact statement from TAX (HB708)

01/18/06 House: Assigned to Finance sub-committee: #1 (Orrock)

**Notes:** City Position: Support

**HB 710 Abandoned buildings; localities may take action to secure those that threaten public safety.**

*Summary as introduced:*

**Buildings that significantly threaten public safety.** Provides that localities may take action to secure buildings that significantly threaten public safety within seven days of reasonable written notice.

*Patrons:* Ware, O. and Fralin

01/10/06 House: Prefiled and ordered printed; offered 01/11/06 065701538

01/10/06 House: Referred to Committee on Counties, Cities and Towns

**Notes:** City Position: Support

**HB 715 Cellular telephones; prohibits use while driving.**

*Summary as introduced:*

**Use of certain wireless communication devices by operators of motor vehicles; fine.** Provides that, except in certain emergency situations, the operator of a moving motor vehicle is prohibited from using any wireless communication device unless the device is equipped for hands-free communication and is being used as such. A driver may not be fined more than \$50 for violating this section.

*Patron:* McQuigg

01/10/06 House: Prefiled and ordered printed; offered 01/11/06 063619412

01/10/06 House: Referred to Committee on Transportation

01/19/06 House: Referred from Transportation

01/19/06 House: Referred to Committee on Militia, Police and Public Safety

**Notes:** City Position: Support

**HB 718 Traffic light signals; use of photo-monitoring systems in certain localities.**

*Summary as introduced:*

**Violation-monitoring systems to enforce traffic light signals.** Allows localities in the Commonwealth to establish violation-monitoring systems to enforce traffic light signals, subject to specific requirements and procedures set forth in the bill.

*Patron:* McQuigg

01/10/06 House: Prefiled and ordered printed; offered 01/11/06 063924412

01/10/06 House: Referred to Committee on Militia, Police and Public Safety

**Notes:** City Position: Support

**HB 748 Spot blight abatement; condemnation.**

*Summary as introduced:*

**Spot blight abatement; eminent domain.** Provides that for purposes of determining just compensation for property condemned pursuant to spot blight abatement provisions, the value of the property condemned shall be determined as follows: (i) 50% of compensation to be based on the fair market value of the property at the time of condemnation, (ii) 25% of compensation to be based on projected fair market value of the land one year after completion of the redevelopment project, and (iii) 25% of compensation to be based on projected value of the land three years after completion of the redevelopment project.

*Patron:* Purkey

01/10/06 House: Prefiled and ordered printed; offered 01/11/06 063688472

01/10/06 House: Referred to Committee on General Laws

01/18/06 House: Assigned to General Laws sub-committee: #1 Housing (Suit)

**Notes:** City Position: Oppose

**HB 763 Absentee voting and ballot applications; persons 65 or older may vote absentee.**

*Summary as introduced:*

**Elections; absentee voting and absentee ballot applications.** Provides that any person who will be age 65 or older on the election day may vote absentee.

*Patrons:* Sickles, Caputo and Ebbin

01/10/06 House: Prefiled and ordered printed; offered 01/11/06 064279510

01/10/06 House: Referred to Committee on Privileges and Elections

01/18/06 House: Assigned to Privileges and Elections sub-committee: #2 (Jones, S. C.)

**Notes:** City Position: Support

**HB 770 Income tax, state; distribution of revenues to localities.**

*Summary as introduced:*

**Income tax; distribution of revenues to localities.** Requires the transfer of 1% of individual income tax revenues to localities in 2006, and the amount increases 1% each year until it reaches a maximum of 5% for 2010 and thereafter. The revenues are distributed to counties and cities as follows: (i) 50% based on the relative share of the total state income tax paid by taxpayers filing returns in each locality, (ii) 40% based on where wages are earned, and (iii) 10% divided equally among all counties and cities.

*Patron:* Sickles

01/10/06 House: Prefiled and ordered printed; offered 01/11/06 064281510

01/10/06 House: Referred to Committee on Appropriations

**Notes:** City Position: Support

**HB 777 Law-Enforcement.**

*Summary as introduced:*

**Law-Enforcement Officers Procedural Guarantee Act.** Makes several changes as to the process and procedures afforded to officers under the procedural guarantee act, clarifying several existing rights and setting forth specific procedures for the questioning of officers and the conduct of a disciplinary hearing.

*Patrons:* Albo, Caputo, Carrico, Hugo, Marsden and Moran

01/10/06 House: Prefiled and ordered printed; offered 01/11/06 068014204

01/10/06 House: Referred to Committee on Militia, Police and Public Safety

**Notes:** City Position: Oppose

**HB 781 Rights of residents and employees to contact elected officials.**

*Summary as introduced:*

**Rights of residents and employees to contact elected officials.** Provides that every local government employee has the right to express opinions to state or local elected officials on matters of public concern. Retaliation based upon a local government employee's exercise of such right is unlawful. This measure tracks the language in § 2.2-2902.1 that is applicable to state employees. In addition, the bill provides that certain local auditors shall be responsible for administering a telephone hotline, and a website, if cost-effective, through which local employees and residents may report incidences of fraud, waste, or abuse in the administration of local government. Accordingly, auditors are authorized to inform local employees of the hotline through a variety of measures. Furthermore, the auditors are required to investigate authentic allegations of fraud, waste, or abuse and to report annually findings and recommendations based on such investigation to the General Assembly.

*Patron:* Albo

01/10/06 House: Prefiled and ordered printed; offered 01/11/06 067516204

01/10/06 House: Referred to Committee on Counties, Cities and Towns

01/18/06 House: Fiscal impact statement from DPB (HB781)

**Notes:** City Position: Support

**HB 798 Domestic violence victim fund; available to victim in case of emergency.**

*Summary as introduced:*

**Virginia domestic violence victim fund; emergency funds.** Provides that funds shall be made available for victims of domestic violence when a protective order is served on the primary source of monetary support for the family.

*Patron:* Fralin

01/10/06 House: Prefiled and ordered printed; offered 01/11/06 063761302

01/10/06 House: Referred to Committee for Courts of Justice

01/18/06 House: Assigned to Courts of Justice sub-committee: Criminal L...

**Notes:** City Position: Support

**HB 857 Green Buildings Act; created, report.**

*Summary as introduced:*

**Department of General Services; Green Buildings Act.** Requires all major facility projects of state agencies and other entities for which the project is funded with state money to be designed, constructed, and certified to meet the LEED silver standard as established by the United States Green Building Council Leadership in Energy and Environment Design. The bill defines "major facility project" as a building construction project with more than 5,000 gross square feet of occupied or conditioned space, or a building renovation project when the cost is greater than 50% of the assessed value and the project with more than 5,000 gross square feet of occupied or conditioned space. Under the bill, a major facility project may not be required to meet the standard if (i) there is no appropriate LEED silver standard for that type of building or renovation project, (ii) there is no practical way to apply the LEED silver standard to a particular building or renovation project, or (iii) the building or renovation project is an electricity transmitter building, a water pumping station, or a hospital.

*Patron:* Ebbin

01/10/06 House: Prefiled and ordered printed; offered 01/11/06 065675300

01/10/06 House: Referred to Committee on General Laws

**Notes:** City Position: Support

**HB 897 Real estate tax; limitation on tax rate.**

*Summary as introduced:*

**Real estate tax; limitation on tax rate.** Provides that an annual assessment, biennial assessment or general reassessment of real property may not result in more than a five percent increase in the total real estate tax levies for a county, city or town, with one exception. The bill also provides that a county, city or town may not set its real property tax rate for any tax year at a rate that would produce more than 105 percent of the previous year's total real property tax levies for such



county, city or town, with one exception. The exception would allow a locality to set its property tax rate at a rate not to exceed the rate of population growth plus the rate of inflation in the locality for the immediately preceding year. The average tax increase on individuals would not exceed five percent. However, some taxpayers could be above the average while others could fall below the average. Under current law, (i) the annual growth rate in a locality's total real estate taxes from an annual assessment, biennial assessment or general reassessment is not capped, provided the locality holds a public hearing in regard to its real property tax rate; and (ii) there is no cap on real property tax rates.

*Patron:* Gear

01/10/06 House: Prefiled and ordered printed; offered 01/11/06 069663304

01/10/06 House: Referred to Committee on Finance

01/12/06 House: Fiscal impact statement from TAX (HB897)

01/18/06 House: Assigned to Finance sub-committee: #1 (Orrock)

**Notes:** City Position: Oppose

#### **HB 965 Human Trafficking Act; created, report.**

*Summary as introduced:*

**Human trafficking; penalties.** Establishes the crime of and punishment for human trafficking, a Class 5 felony. Provides for civil liability, business entity liability, restitution to victims, forfeiture of trafficker assets, and study by a Governor's task force.

*Patrons:* Ebbin, Albo and Hull

01/10/06 House: Prefiled and ordered printed; offered 01/11/06 061329300

01/10/06 House: Referred to Committee for Courts of Justice

01/11/06 House: Fiscal impact statement from VCSC (HB965)

01/18/06 House: Assigned to Courts of Justice sub-committee: Criminal L...

**Notes:** City Position: Support

#### **HB 1206 Retail Sales and Use Tax; exemptions include certain school-related items.**

*Summary as introduced:*

**Sales and use tax exemption; school supplies.** Provides a sales and use tax exemption for school supplies that cost \$100 or less per item and are purchased during a specific three-day period in the first part of August each year, beginning in 2006.

*Patron:* Moran

01/11/06 House: Prefiled and ordered printed; offered 01/11/06 068211424

01/11/06 House: Referred to Committee on Finance

01/17/06 House: Fiscal impact statement from TAX (HB1206)

01/20/06 House: Assigned to Finance sub-committee: #1 (Orrock)

**Notes:** City Position: Support

#### **HB 1368 Home Serenity and Tranquility Act; created.**

*Summary as introduced:*

**Property; Home Serenity and Tranquility Act; civil penalty.** Creates the Home Serenity and Tranquility Act, which prohibits the operation on an athletic field owned or operated by a public

or private entity of any event (i) before the hour of eight o'clock in the morning, (ii) after the hour of six o'clock in the evening, or (iii) on Sunday without the unanimous written consent of the affected homeowners. The bill defines athletic field, homeowner, and affected homeowner. The bill provides a civil penalty for violation and gives an aggrieved homeowner a cause of action for violations.

*Patron:* Hull (by request)

01/11/06 House: Prefiled and ordered printed; offered 01/11/06 060815336

01/11/06 House: Referred to Committee for Courts of Justice

**Notes:** City Position: Oppose

**HJ 56 Constitutional amendment; assessments of real property and tax rates (first reference).**

*Summary as introduced:*

**Constitutional amendment (first resolution); real property assessments and tax rates.**

Provides that assessments of real property shall not increase annually by more than one percent plus the percentage increase, if any, in the rate of inflation. Increases in the rate of taxation on real property are limited to one percent per year.

*Patron:* Frederick

01/09/06 House: Prefiled and ordered printed; offered 01/11/06 063561303

01/09/06 House: Referred to Committee on Privileges and Elections

**Notes:** City Position: Oppose

**SB 18 Mental health; mandatory outpatient treatment program in certain jurisdictions.**

*Summary as introduced:*

**Mental health; mandatory outpatient treatment.** Establishes a program of mandatory outpatient treatment in those jurisdictions served by a community services board that the Commissioner designates as having adequate and appropriate resources for the provision of mandatory outpatient treatment. The bill authorizes mandatory outpatient treatment only for persons previously hospitalized due to noncompliance with prescribed psychiatric treatment. The bill requires that a specific written treatment plan be prepared by the community services board that gives consideration to the treatment preferences of the individual and explicitly bars the forcible administration of medication. The bill also authorizes law-enforcement personnel to transport the individual to a treatment facility for persuasion and evaluation by a treatment provider only when the individual has substantially failed to comply with the treatment plan without good cause, and only for a three-hour period, including transportation time. The bill limits the duration of the court order to 180 days or less, and provides the person with procedural protections, including the right to an adversary hearing, the right to counsel, the right to an appeal, and the right to a jury trial on appeal.

*Patron:* Marsh

12/12/05 Senate: Prefiled and ordered printed; offered 01/11/06 062307756

12/12/05 Senate: Referred to Committee on Education and Health

01/19/06 Senate: Continued to 2007 in Education and Health (15-Y 0-N)

**Notes:** City Position: Oppose

**SB 57 Solid waste planning; units to maintain recycling and target rates.**

*Summary as introduced:*

**Solid waste recycling rates.** Establishes that local and regional solid waste planning units shall maintain a minimum 15% recycling rate and a target rate of 25%. Current law sets the minimum recycling rate at 25%.

*Patron:* Reynolds

01/19/06 Senate: VOTE: (39-Y 0-N)

01/19/06 Senate: Communicated to House

01/20/06 House: Placed on Calendar

01/20/06 House: Read first time

01/20/06 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources

**Notes:** City Position: Oppose

**SB 65 Absentee voting and ballot applications; persons 65 or older may vote absentee.**

*Summary as introduced:*

**Elections; absentee voting and absentee ballot applications.** Provides that any person who will be age 65 or older on the election day may vote absentee.

*Patron:* Whipple

01/05/06 Senate: Prefiled and ordered printed; offered 01/11/06 063209844

01/05/06 Senate: Referred to Committee on Privileges and Elections

**Notes:** City Position: Support

**SB 118 Landlord and tenant; not to be evicted for certain disturbances that occur on leased premises.**

*Summary as introduced:*

**Landlord and tenant duties and responsibilities; evictions; domestic violence.** Provides that a tenant may not be held responsible and subsequently evicted for disturbances that occur on the leased premises where the disturbance is caused by an act of domestic violence against such tenant.

*Patrons:* Howell, Cuccinelli, Ticer and Whipple; *Delegates:* Callahan, Plum, Scott, J.M., Sickles and Watts

01/09/06 Senate: Prefiled and ordered printed; offered 01/11/06 065325744

01/09/06 Senate: Referred to Committee for Courts of Justice

**Notes:** City Position: Support

**SB 120 Protective orders; respondent to pay deposits to connect or restore utility services.**

*Summary as introduced:*

**Protective orders.** Provides that a respondent may be enjoined from terminating or ordered to restore a necessary utility service to the residence that the petitioner has been granted exclusive possession of. The respondent can also be ordered to pay deposits to connect or restore necessary utility services if the respondent was required to provide alternative housing for the petitioner.

*Patrons:* Howell, Ticer and Whipple; *Delegates:* Amundson, Callahan, Plum and Scott, J.M.

01/19/06 Senate: VOTE: (39-Y 0-N)

01/19/06 Senate: Communicated to House  
01/20/06 House: Placed on Calendar  
01/20/06 House: Read first time  
01/20/06 House: Referred to Committee for Courts of Justice  
**Notes:** City Position: Support

**SB 135 First responders; exempt from liability for rendering emergency care, etc.**

*Summary as introduced:*

**Civil procedure; persons exempt from liability.** Exempts from liability first responders who, in good faith and without compensation, render emergency care or assistance, whether or not in the locality of his employment as a first responder, to any injured or ill person, at the scene of an accident, fire, or life threatening emergency, or en route therefrom to any hospital, medical clinic or doctor's office.

*Patron:* O'Brien

01/10/06 Senate: Prefiled and ordered printed; offered 01/11/06 066055784  
01/10/06 Senate: Referred to Committee for Courts of Justice

**Notes:** City Position: Support

**SB 138 Real estate valuations; fair market value therefor.**

*Summary as introduced:*

**Fair market value for real property valuations.** Provides that the fair market value of real property shall be determined with regard to the percentage increase or decrease in the average sales price of real property that is sold in the same assessment area.

*Patron:* O'Brien

01/10/06 Senate: Prefiled and ordered printed; offered 01/11/06 066057784  
01/10/06 Senate: Referred to Committee on Finance  
01/16/06 Senate: Fiscal impact statement from TAX (SB138)

**Notes:** City Position: Oppose

**SB 149 Protective orders; respondent prohib. to be in alleged victim's physical presence, ext. of orders.**

*Summary as introduced:*

**Protective orders.** Requires that prohibited acts under any protective orders be specifically described in the order and that the prohibited acts include that the respondent not be in the alleged victim's or petitioner's physical presence. The bill also provides if the expiration of a protective order occurs at a time that the court is not in session, the expiration shall be extended until 5 p.m. of the next business day that the court which issued the order is in session. This is currently the law for emergency protective orders only.

*Patrons:* Deeds; Delegate: Toscano

01/10/06 Senate: Prefiled and ordered printed; offered 01/11/06 064348724  
01/10/06 Senate: Referred to Committee for Courts of Justice

**Notes:** City Position: Support

**SB 235 Domestic violence victims; procedures to keep personal documents confidential.**

*Summary as introduced:*

**Domestic violence victims; personal documents confidential.** Requires the Department of Social Services, in coordination with the Statewide Domestic Violence Coalition, to set up procedures or services to protect the documents and personal mail of domestic violence victims so that their location or address cannot be detected from such documentation.

*Patrons:* Ticer, Cuccinelli and Howell; *Delegates:* Amundson, Hull, Moran, Plum, Rust, Scott, J.M., Sickles and Watts

01/10/06 Senate: Prefiled and ordered printed; offered 01/11/06 060755828

01/10/06 Senate: Referred to Committee on Rehabilitation and Social Services

**Notes:** City Position: Support

**SB 236 Trees; certain local government ordinances requiring preservation thereof during develop. process.**

*Summary as introduced:*

**Certain local government ordinances requiring preservation of trees during the development process.** Provides that certain Northern Virginia localities may, by ordinance, require preservation of trees on development sites to meet tree canopy requirements in proportion to predevelopment canopy. This bill also allows certain Northern Virginia localities to increase the amount of tree canopy required 20 years after development on residential sites.

*Patrons:* Ticer and Howell; *Delegates:* Scott, J.M., Sickles and Watts

01/10/06 Senate: Prefiled and ordered printed; offered 01/11/06 067510828

01/10/06 Senate: Referred to Committee on Local Government

**Notes:** City Position: Support

**SB 242 Clean Smokestack Act; phased schedule for electric generating units to reduce emissions.**

*Summary as introduced:*

**Reductions of air emissions.** Establishes a phased schedule for all electric generating units in Virginia to reduce their emissions of sulfur dioxide, nitrogen oxide, and mercury. The Air Pollution Control Board is charged with promulgating the regulations that require specific numerical reductions in each pollutant. The bill also requires each electric generating unit that is located within 1,000 meters of an occupied dwelling or body of water to complete a modeling analysis assessing the effects of emissions from the facility on the surrounding area. This analysis is to be submitted to the Department of Environmental Quality, which shall review each report. The Department is required to implement a strategy to achieve reductions in mercury emissions. The Department also is to conduct an analysis of the issues related to development and implementation of standards and programs to control emissions of CO<sub>2</sub> from stationary sources, which is to be submitted to the legislative oversight committees and the Board by November 1, 2008.

*Patrons:* Ticer, Miller, Potts and Whipple; *Delegates:* Brink, Callahan, Eisenberg, Englin and Watts

01/10/06 Senate: Prefiled and ordered printed; offered 01/11/06 067241828

01/10/06 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources  
**Notes:** City Position: Support

**SB 258 Machinery and tools tax; method of valuation for federal income tax purposes.**

*Summary as introduced:*

**Machinery and tools tax; method of valuation.** Requires machinery and tools that are placed in service on or after July 1, 2006, to be valued at their depreciated basis for federal income tax purposes if the owner has depreciated their value pursuant to the Internal Revenue Code. Such machinery and tools that were placed in service prior to July 1, 2006, will be valued commencing in 2010 at their depreciated basis for federal income tax purposes, and between 2006 and 2010 the valuation will be determined by a phased-in blending of the value determined by the method in effect on January 1, 2006, and by its depreciated basis for federal income tax purposes.

*Patrons:* Wagner, Watkins and Williams; *Delegates:* Nixon and Purkey

01/10/06 Senate: Prefiled and ordered printed; offered 01/11/06 062605832

01/10/06 Senate: Referred to Committee on Finance

01/16/06 Senate: Fiscal impact statement from TAX (SB258)

**Notes:** City Position: Oppose

**SB 270 Grants and tax refunds; awarded for producing and using clean and efficient energy.**

*Summary as introduced:*

**Grants and tax refunds and exemptions for producing and using clean and efficient energy.** Provides tax refunds and grant awards for using clean and efficient energy including (i) grant awards in the amount of 0.85 cents for each kilowatt hour of electricity produced by a corporation from certain renewable energy resources; (ii) grants to individuals and corporations equal to 15% of the cost incurred in installing photovoltaic property, solar water heating property, or wind-powered electrical generators (grants are limited to \$2,000 for each system of photovoltaic property, \$1,000 for each system of solar water heating property, and \$1,000 for each system of wind-powered electrical generators); (iii) a sales and use tax exemption for certain energy efficient products that have been awarded the energy star certification mark based on requirements developed by the U.S. Environmental Protection Agency and the U.S. Department of Energy; and (iv) a refund of one-half of the sales and use tax paid on motor vehicles using clean fuel sources as a source of propulsion. Refunds of the sales and use tax on motor vehicles using clean fuel sources as a source of propulsion are limited to a maximum of \$500 in tax paid per item. The tax refunds and grants programs sunset in 2011.

*Patron:* Whipple

01/10/06 Senate: Prefiled and ordered printed; offered 01/11/06 062652844

01/10/06 Senate: Referred to Committee on Finance

**Notes:** City Position: Support

**SB 271 Public Procurement Act; purchase of certain insurance in construction projects.**

*Summary as introduced:*

**Virginia Public Procurement Act; purchase of certain insurance in construction projects.**

Allows a public body to purchase an owner-controlled insurance program in connection with any public construction contract. The bill defines owner-controlled insurance program and provides that no contractor or subcontractor can be required to provide insurance coverage for a construction project if that specified coverage is included in an owner-controlled insurance program in which the contractor or subcontractor is enrolled.

*Patron:* Whipple

01/10/06 Senate: Prefiled and ordered printed; offered 01/11/06 060163844

01/10/06 Senate: Referred to Committee on General Laws and Technology

**Notes:** City Position: Support

**SB 276 Income tax, state; different tax rate on income derived from sale of certain real estate.**

*Summary as introduced:*

**Income tax; different tax rate on income derived from sale of certain real estate.** Provides for the imposition of a 2.3% tax rate on the taxable proceeds from a sale of an apartment building or complex to its tenant organization or to a nonprofit organization, effective for taxable years beginning on and after January 1, 2007.

*Patron:* Whipple

01/10/06 Senate: Prefiled and ordered printed; offered 01/11/06 065276140

01/10/06 Senate: Referred to Committee on Finance

**Notes:** City Position: Support

**SB 277 Housing Partnership Trust Fund; name change, deposit of recordation tax revenues into Fund.**

*Summary as introduced:*

**Virginia Housing Partnership Trust Fund; dedicating recordation tax revenues.** Changes the name of the Virginia Housing Partnership Trust Fund to the Virginia Housing Trust Fund. The bill provides for \$0.02 of the recordation tax to be transferred to the Fund. The bill also provides that a portion of the fund shall be used to provide matching funds to localities that have both established a local housing fund and appropriated local moneys to the fund. Under the bill, the Department of Housing and Community Development is required to establish criteria for the allocation of the matching funds to eligible localities and to annually report on the allocation of matching funds. In addition, the bill authorizes grants to be made from the Fund to support innovative housing projects and low and moderate income housing projects that are located in areas experiencing extreme shortages of such housing.

*Patron:* Whipple

01/10/06 Senate: Prefiled and ordered printed; offered 01/11/06 065321140

01/10/06 Senate: Referred to Committee on General Laws and Technology

**Notes:** City Position: Support

**SB 278 Renewable Energy Portfolio Standards; created.**

*Summary as introduced:*

**Renewable portfolio standard.** Requires 20% of the electric energy sold by a supplier to retail

customers in Virginia to be generated from renewable energy sources by the 2015/2016 reporting year. The requirement is phased in over a 10-year period. A supplier shall be excused from the requirements to the extent that renewable energy resources are not reasonably available in sufficient quantities in the marketplace for the suppliers to meet them. A supplier complies with the requirement by self-generating the renewable energy or purchasing sufficient renewable energy credits. The credits evidence the generation of the energy from renewable sources. A distributor's costs of compliance with these requirements will be recoverable through fuel factor adjustments.

*Patron:* Whipple

01/10/06 Senate: Prefiled and ordered printed; offered 01/11/06 067044844

01/10/06 Senate: Referred to Committee on Commerce and Labor

01/18/06 Senate: Fiscal impact statement from SCC (SB278)

**Notes:** City Position: Support

### **SB 291 Human Anti-Trafficking Act; created.**

*Summary as introduced:*

**Human Anti-Trafficking Act.** Creates the Human Anti-Trafficking Act and punishes trafficking in humans for forced labor as a Class 5 felony and trafficking in minors for sexual activity as a Class 4 felony. The measure also provides for civil remedies for the victims.

*Patrons:* Cuccinelli, Howell, O'Brien, Ticer and Whipple; *Delegates:* Amundson, Callahan, Hull, Moran, Rust, Scott, J.M., Sickles and Watts

01/10/06 Senate: Prefiled and ordered printed; offered 01/11/06 061236720

01/10/06 Senate: Referred to Committee for Courts of Justice

01/11/06 Senate: Fiscal impact statement from VCSC (SB291)

**Notes:** City Position: Support

### **SB 311 Housing authority law; spot blight abatement, interest on liens.**

*Summary as introduced:*

**Housing authority law; spot blight abatement; interest on liens.** Gives a locality a lien on property declared a nuisance when the locality, and not the owner, abates or removes the nuisance at its expense. The bill provides that this lien shall bear interest at the legal rate of interest established in § 6.1-330.53, beginning on the date the removal or abatement is completed through the date on which the lien is paid. The bill also provides for the same interest rate for liens on property declared to be blighted.

*Patrons:* Cuccinelli, Howell and Ticer; *Delegates:* Amundson, Moran, Plum, Rust, Scott, J.M., Sickles and Watts

01/10/06 Senate: Prefiled and ordered printed; offered 01/11/06 064343260

01/10/06 Senate: Referred to Committee on General Laws and Technology

01/18/06 Senate: Reported from General Laws and Technology (14-Y 0-N)

01/20/06 Senate: Constitutional reading dispensed (38-Y 0-N)

01/20/06 Senate: VOTE: (38-Y 0-N)

**Notes:** City Position: Support



**SB 374 Single-family dwellings; deletes certain optional provisions regarding clustering thereof.**

*Summary as introduced:*

**Clustering of single-family dwellings.** Deletes certain optional provisions regarding the clustering of single-family housing and reinserts those provisions as mandatory provisions of local zoning ordinances. Localities shall be required to provide in their zoning or subdivision ordinances standards, conditions, and criteria for the clustering of single-family dwellings and the preservation of open space developments. In establishing such standards, conditions, and criteria, the localities may include any provisions they determine appropriate to ensure quality development, preservation of open space, and compliance with their comprehensive plans and land use ordinances.

*Patrons:* Watkins and Houck

01/11/06 Senate: Prefiled and ordered printed; offered 01/11/06 061635712

01/11/06 Senate: Referred to Committee on Local Government

**Notes:** City Position: Oppose

**SB 403 Land Conservation Incentives Act; tax credit.**

*Summary as introduced:*

**Land preservation tax credit.** The bill provides an aggregate limit of \$600,000 in tax credit for each parcel of land donated under the Virginia Land Conservation Incentives Act of 1999, which limit includes any transfer of unused tax credits.

The bill provides that no more than one donation can be made from the same parcel of land during a 15-year period, unless there is no affiliation between the persons or entities who already have been allowed credit with respect to the parcel and the persons or entities seeking credit.

For donations of property made on or after January 1, 2007, the bill would require that the donation be reviewed by a licensed reviewer for purposes of determining whether or not the donation is in compliance with standards promulgated by the Department of Taxation. No credit would be allowed for any donation made on or after such date unless the licensed reviewer certifies compliance, and the donation is subsequently registered with the Department. The Department would issue licenses to qualified applicants seeking to become licensed reviewers.

*Patron:* Hanger

01/11/06 Senate: Prefiled and ordered printed; offered 01/11/06 069142732

01/11/06 Senate: Referred to Committee on Finance

**Notes:** City Position: Oppose

**SB 427 Residential Landlord Tenant Act; confidentiality of tenant records.**

*Summary as introduced:*

**Virginia Residential Landlord Tenant Act; confidentiality of tenant records.** Authorizes a tenant to designate a third party to receive a duplicate copy of a summons in an unlawful detainer action and any other written notices from the landlord.

*Patron:* Lambert

01/11/06 Senate: Prefiled and ordered printed; offered 01/11/06 065310748

01/11/06 Senate: Referred to Committee on General Laws and Technology

**Notes:** City Position: Support

**SB 453 Traffic light signals; use of photo-monitoring systems in certain localities.**

*Summary as introduced:*

**Photo-monitoring systems to enforce traffic light signals.** Allows the Counties of Arlington and Fairfax, the Cities of Alexandria, Fairfax, Falls Church, and Virginia Beach, and the Town of Vienna to establish photo-monitoring systems to enforce traffic light signals, subject to specific requirements and procedures set forth in the bill.

*Patron:* Devolites Davis

01/11/06 Senate: Prefiled and ordered printed; offered 01/11/06 067858726

01/11/06 Senate: Referred to Committee on Transportation

**Notes:** City Position: Support

**SB 457 Sheriff; courthouse security.**

*Summary as introduced:*

**Sheriff; courthouse security.** Increases from \$5 to \$10 the sum assessed by the locality as part of the costs in each criminal or traffic case in its district or circuit court in which the defendant is convicted of a violation of any statute or ordinance. The bill also provides that such funds appropriated and any interest accumulated thereon shall only be used in connection with the provision of courthouse security.

*Patron:* Devolites Davis

01/11/06 Senate: Prefiled and ordered printed; offered 01/11/06 067862726

01/11/06 Senate: Referred to Committee on Rehabilitation and Social Services

**Notes:** City Position: Support

**SB 491 Dogs; penalty when recklessly controlling or handling.**

*Summary as introduced:*

**Reckless control of a dog; penalty.** Creates a new Class 6 felony for recklessly controlling or handling a dog (or other animal) that seriously injures another person.

*Patrons:* Quayle, Houck, Norment and Stolle; *Delegates:* Kilgore, Melvin and Moran

01/11/06 Senate: Prefiled and ordered printed; offered 01/11/06 060018134

01/11/06 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources

01/13/06 Senate: Fiscal impact statement from VCSC (SB491)

**Notes:** City Position: Support

**SB 505 Human Anti-Trafficking Act; created.**

*Summary as introduced:*

**Human Anti-Trafficking Act.** Creates the Human Anti-Trafficking Act and punishes trafficking in humans for forced labor as a Class 5 felony and trafficking in minors for sexual activity as a Class 4 felony. The measure also provides for civil remedies for the victims.

*Patron:* Devolites Davis

01/11/06 Senate: Prefiled and ordered printed; offered 01/11/06 066571726

01/11/06 Senate: Referred to Committee for Courts of Justice

01/13/06 Senate: Fiscal impact statement from VCSC (SB505)

**Notes:** City Position: Support

**SB 550 Law-Enforcement Officers Retirement System; adds emergency medical technicians.**

*Summary as introduced:*

**Law-Enforcement Officers Retirement System; emergency medical technicians.** Adds full-time, salaried emergency medical technicians to the list of those who may receive benefits equivalent to those provided under the State Police Officers' Retirement System.

*Patron:* Blevins

01/11/06 Senate: Prefiled and ordered printed; offered 01/11/06 069129820

01/11/06 Senate: Referred to Committee on Finance

**Notes:** City Position: Support

**SB 571 Retail sales and use tax; exemption for school-related items.**

*Summary as introduced:*

**Sales and use tax exemption; school-related items.** Provides a sales and use tax exemption, beginning in 2006, for certain school-related items purchased during a specific one-week period during the end of August each year. The exempt items are (i) school supplies, footwear, and clothing where the selling price of each item is \$100 or less; (ii) computer systems where the selling price for each system is \$1,500 or less; and (iii) computers, computer hardware, computer software, and portable calculators where the selling price for each item is \$500 or less. The bill also authorizes dealers to absorb the sales and use tax on all other items sold during the same time period and thereby relieve the purchaser of the obligation to pay such tax. Dealers who absorb such taxes are liable for payment of the same to the Tax Commissioner.

*Patron:* McDougle

01/11/06 Senate: Prefiled and ordered printed; offered 01/11/06 065113408

01/11/06 Senate: Referred to Committee on Finance

01/19/06 Senate: Fiscal impact statement from TAX (SB571)

**Notes:** City Position: Support

**SB 575 Retail Sales and Use Tax; mixed use developments that include affordable housing.**

*Summary as introduced:*

**Sales tax exemption; mixed use developments that include affordable housing.** Entitles a locality or a local redevelopment authority to the sales tax revenues generated on the premises of a mixed-use development that incorporates residential units, provided that at least 20 percent of the residential units are used for affordable housing. The mixed-use development would have to be certified by the Department of Housing and Community Development as a qualifying project. The sales tax revenues would be used to service the payments on obligations issued by the locality or the redevelopment authority for the mixed-use development. The entitlement to the sales tax revenues would not exceed 35 years. The obligations would have to be issued by July 1, 2010.

*Patron:* Stolle

01/11/06 Senate: Prefiled and ordered printed; offered 01/11/06 069145820

01/11/06 Senate: Referred to Committee on Finance

**Notes:** City Position: Support

**SB 594 Fertilizers; regulation thereof.**

*Summary as introduced:*

**Regulation of fertilizers.** Prohibits localities from regulating the registration, packaging, labeling, sale, storage, distribution, use, or application of fertilizer.

*Patron:* Watkins

01/11/06 Senate: Presented and ordered printed 067244840

01/11/06 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources

**Notes:** City Position: Oppose

**SB 633 Courthouse security fee.**

*Summary as introduced:*

**Courthouse security fee.** Increases the fee assessed for costs in criminal and traffic cases to \$10. Additionally, the bill states that the assessment shall be used solely for the funding of courthouse security personnel, equipment, and other personal property used in connection with courthouse security.

*Patron:* Edwards

01/16/06 Senate: Presented and ordered printed 064618728

01/16/06 Senate: Referred to Committee for Courts of Justice

**Notes:** City Position: Support

**Attachment 2**  
Current Status of City Package Bills  
January 23, 2006

**HB 101 Constitutional amendment; marriage may exist only between a man and woman.**

*Summary as introduced:*

**Constitutional amendment (voter referendum); marriage.** Provides for a referendum at the November 2006 election on approval of a proposed constitutional amendment to define marriage. The proposed amendment provides that "only a union between one man and one woman may be a marriage valid in or recognized by this Commonwealth and its political subdivisions." The proposed amendment also prohibits the Commonwealth and its political subdivisions from creating or recognizing "a legal status for relationships of unmarried individuals that intends to approximate the design, qualities, significance, or effects of marriage." Further, the proposed amendment prohibits the Commonwealth or its political subdivisions from creating or recognizing "another union, partnership, or other legal status to which is assigned the rights, benefits, obligations, qualities, or effects of marriage."

*Patrons:* Cosgrove, Byron and Lingamfelter

01/16/06 House: VOTE: Passage (76-Y 20-N)

01/16/06 House: Communicated to Senate

01/17/06 House: Fiscal impact statement from DPB (HB101H1)

01/17/06 Senate: Constitutional reading dispensed

01/17/06 Senate: Referred to Committee on Privileges and Elections

**Notes:** City Position: Oppose

**HB 262 Higher education; prohibits admission of illegal aliens to any public institution in State.**

*Summary as introduced:*

**Admission of illegal aliens to public institutions of higher education.** Provides that an alien who is unlawfully present in the United States shall not be eligible for admission to any public institution of higher education in the Commonwealth.

*Patrons:* Hargrove, Gilbert, Landes, Lohr and Ware, R.L.

01/04/06 House: Prefiled and ordered printed; offered 01/11/06 066606320

01/04/06 House: Referred to Committee on Education

01/18/06 House: Assigned to Education sub-committee: Higher Education (Rust)

**Notes:** City Position: Oppose

**HB 374 Constitutional amendment (voter referendum); marriage.**

*Summary as introduced:*

**Constitutional amendment (voter referendum); marriage.** Provides for a referendum at the November 2006 election on approval of a proposed constitutional amendment to define marriage. The proposed amendment provides that "only a union between one man and one woman may be a marriage valid in or recognized by this Commonwealth and its political subdivisions." The proposed amendment also prohibits the Commonwealth and its political subdivisions from

creating or recognizing "a legal status for relationships of unmarried individuals that intends to approximate the design, qualities, significance, or effects of marriage." Further, the proposed amendment prohibits the Commonwealth or its political subdivisions from creating or recognizing "another union, partnership, or other legal status to which is assigned the rights, benefits, obligations, qualities, or effects of marriage."

*Patrons:* Marshall, R.G., Cosgrove and Byron

01/06/06 House: Prefiled and ordered printed; offered 01/11/06 063185396

01/06/06 House: Referred to Committee on Privileges and Elections

01/11/06 House: Incorporated by Privileges and Elections (HB101-Cosgrove)

**Notes:** City Position: Oppose

### **HB 389 Affirmation of Marriage Act; abolished.**

*Summary as introduced:*

**Domestic relations; Affirmation of Marriage Act.** Repeals the Affirmation of Marriage Act.

*Patron:* Englin

01/06/06 House: Prefiled and ordered printed; offered 01/11/06 064256299

01/06/06 House: Referred to Committee for Courts of Justice

01/18/06 House: Assigned to Courts of Justice sub-committee: Civil Law ...

**Notes:** City Position: Support

### **HB 393 Condominium Act; allows elderly or disabled tenants in conversion units to assign purchase right.**

*Summary as introduced:*

**Condominium Act; conversion condominiums; rights of certain elderly or disabled persons.** Gives a tenant in a conversion condominium who is elderly or disabled and eligible for a lease extension under current law and ordinance, the ability to assign the right to purchase his unit to a government agency, housing authority, or nonprofit corporation for the purpose of leasing that unit back to the tenant and keeping the unit as affordable housing.

*Patron:* Englin

01/06/06 House: Prefiled and ordered printed; offered 01/11/06 064250299

01/06/06 House: Referred to Committee on General Laws

01/18/06 House: Assigned to General Laws sub-committee: #3 ABC/Gaming (Gear)

01/18/06 House: Fiscal impact statement from DPB (HB393)

**Notes:** City Position: Support

### **HB 394 Income tax, state; credit for low-income taxpayers.**

*Summary as introduced:*

**Income tax; tax credit for low-income renters.** Provides an income tax credit for taxable years beginning on or after January 1, 2007, for certain low-income individuals and persons filing joint returns in an amount equal to 25% of their annual housing rental expenses up to an amount equal to 6% of the federal poverty guidelines.

*Patron:* Englin

01/06/06 House: Prefiled and ordered printed; offered 01/11/06 064251299

01/06/06 House: Referred to Committee on Finance  
01/18/06 House: Assigned to Finance sub-committee: #3 (Ware, R.L.)  
**Notes:** City Position: Support

**HB 539 Minimum wage; increases per hour thereof.**

*Summary as introduced:*

**Minimum wage.** Increases the minimum wage from its current federally mandated level of \$5.15 per hour to \$6.15 per hour effective July 1, 2006; to \$7.15 per hour effective July 1, 2007; and to \$8.15 per hour effective July 1, 2008. For subsequent years, the minimum wage will be adjusted annually on July 1 to reflect changes in the Consumer Price Index for the preceding calendar year, as determined by the Commissioner of Labor and Industry.

*Patrons:* Callahan, Eisenberg, Brink, Ebbin, Englin, Hull, Miller, Parrish, Plum, Scott, J.M., Sickles, Tata, Toscano and Watts; *Senators:* Colgan, Howell, Puller, Ticer and Whipple

01/09/06 House: Prefiled and ordered printed; offered 01/11/06 063407260

01/09/06 House: Referred to Committee on Commerce and Labor

01/18/06 House: Assigned to Commerce and Labor sub-committee: Utilities/Employment (Byron)

**Notes:** City Position: Support

**HB 818 Public Procurement Act; design-build projects by local public bodies, methods of procurement.**

*Summary as introduced:*

**Virginia Public Procurement Act; methods of procurement; design-build by certain local public bodies.** Provides that design-build or construction management projects undertaken by any local governing body with a population in excess of 80,000 or by two or more local governing bodies having a combined population in excess of 80,000 through cooperative procurement shall be exempt from approval of the Design-Build Review Board. As a result such local governing bodies have authority to enter into contracts on a fixed price design-build basis or construction management basis.

*Patron:* May

01/10/06 House: Prefiled and ordered printed; offered 01/11/06 063644400

01/10/06 House: Referred to Committee on General Laws

01/17/06 House: Fiscal impact statement from DPB (HB818)

**Notes:** City Position: Support

**HB 892 Higher education institutions; prohibiting admission of illegal aliens.**

*Summary as introduced:*

**Prohibiting admission of illegal aliens to public institutions of higher education.** Provides that persons who are unlawfully present in the country may not be admitted to any public institution of higher education in Virginia.

*Patrons:* Gear and Abbitt

01/10/06 House: Prefiled and ordered printed; offered 01/11/06 062310304

01/10/06 House: Referred to Committee on Education

**Notes:** City Position: Oppose

**HB 1003 Retail sales and use tax; increase in certain localities.**

*Summary as introduced:*

**Sales and use tax; increase in certain localities.** Imposes an additional 0.25% sales and use tax in Arlington County, Fairfax County, the City of Alexandria, the City of Fairfax, and the City of Falls Church if approved by ordinance by the governing bodies of those localities whose population comprise at least 90% of the population in all of such localities. The bill is effective the first day of the month following 60 days from the date of such approval. The revenue is to be used solely for each locality's financial obligations to the Washington Metropolitan Area Transit Authority.

*Patron:* Ebbin

01/11/06 House: Prefiled and ordered printed; offered 01/11/06 066681300

01/11/06 House: Referred to Committee on Finance

01/18/06 House: Assigned to Finance sub-committee: #1 (Orrock)

**Notes:** City Position: Support

**HB 1050 Tuition, in-state; alien students eligibility.**

*Summary as introduced:*

**In-state tuition for aliens.** Provides that an alien who is unlawfully present in the United States, and therefore ineligible to establish domicile pursuant to § 23-7.4, shall not be eligible on the basis of residency within Virginia for any postsecondary educational benefit, including in-state tuition, unless citizens or nationals of the United States are eligible for such benefits in no less an amount, duration, and scope without regard to whether such citizens or nationals are Virginia residents.

*Patrons:* Reid, Albo, Cosgrove, Frederick, Gear and Hargrove

01/11/06 House: Prefiled and ordered printed; offered 01/11/06 060970488

01/11/06 House: Referred to Committee on Education

**Notes:** City Position: Oppose

**HB 1051 Employment service centers; prohibits public funding, exception.**

*Summary as introduced:*

**Employment service centers; penalty.** Prohibits public funding of employment services unless the provider of the services verifies that the persons receiving services are legally eligible for employment in the United States. The service providers are required to maintain a database that identifies each applicant for employment services and contains confirmation of the applicant's legal eligibility for employment in the United States. The measure is subject to enforcement by the Commissioner of Labor and Industry.

*Patrons:* Reid, Albo, Cosgrove, Frederick, Gear, Gilbert, Hargrove and Landes

01/11/06 House: Prefiled and ordered printed; offered 01/11/06 060971488

01/11/06 House: Referred to Committee on Commerce and Labor

**Notes:** City Position: Oppose



**HB 1082 Retail sales and use tax; increase in certain localities.**

*Summary as introduced:*

**Sales and use tax; increase in certain localities.** Imposes an additional 0.25% sales and use tax in Arlington County, Fairfax County, the City of Alexandria, the City of Fairfax, and the City of Falls Church if approved by ordinance by the governing bodies of those localities whose population comprise at least 90% of the population in all of such localities. The bill is effective the first day of the month following 60 days from the date of such approval. The revenue is to be used solely for each locality's financial obligations to the Washington Metropolitan Area Transit Authority.

*Patrons:* Scott, J.M., Amundson, Plum and Watts

01/11/06 House: Prefiled and ordered printed; offered 01/11/06 065153500

01/11/06 House: Referred to Committee on Finance

01/18/06 House: Assigned to Finance sub-committee: #1 (Orrock)

**Notes:** City Position: Support

**HB 1211 Pedestrians; motorists to yeild right-of-way for those at crosswalks.**

*Summary as introduced:*

**Stopping for pedestrians.** Amends the statute that presently requires motorists to yield the right-of-way to pedestrians to require that motorists stop for pedestrians.

*Patron:* Moran

01/11/06 House: Prefiled and ordered printed; offered 01/11/06 064194424

01/11/06 House: Referred to Committee on Transportation

**Notes:** City Position: Support

**SB 64 Retail Sales and Use Tax; sales tax increase on motor fuels in NOVA Transportation District.**

*Summary as introduced:*

**Sales tax on motor fuels.** Increases from 2% to 4% the sales tax on fuels in every county or city situated in the Northern Virginia Transportation District. In the first full fiscal year of the tax increase such counties and cities would be required to reduce their real estate tax rates in order to reduce real estate tax revenues in the following fiscal year by the amount of incremental revenues generated by the sales tax increase. The reduction in real estate tax rates would be required only in the first fiscal year of the sales tax increase.

*Patron:* Whipple

01/05/06 Senate: Prefiled and ordered printed; offered 01/11/06 060839844

01/05/06 Senate: Referred to Committee on Finance

**Notes:** City Position: Support

**SB 233 Pedestrians; motorists to yield right-of-way for those at crosswalks.**

*Summary as introduced:*

**Stopping for pedestrians; penalty.** Requires the driver of any vehicle traveling at a maximum speed of 35 mph to stop for pedestrians crossing the highway or street at any clearly marked crosswalk.

*Patrons:* Ticer and Cuccinelli; *Delegates:* Moran, Scott, J.M. and Sickles  
01/10/06 Senate: Prefiled and ordered printed; offered 01/11/06 067904828  
01/10/06 Senate: Referred to Committee on Transportation  
**Notes:** City Position: Support

**SB 267 Retail sales and use tax; increase in certain localities.**

*Summary as introduced:*

**Sales and use tax; increase in certain localities.** Imposes an additional 0.25% sales and use tax in Arlington County, Fairfax County, the City of Alexandria, the City of Fairfax, and the City of Falls Church if approved by ordinance by the governing bodies of those localities whose population comprise at least 90% of the population in all of such localities. The bill is effective the first day of the month following 60 days from the date of such approval. The revenue is to be used solely for each locality's financial obligations to the Washington Metropolitan Area Transit Authority.

*Patron:* Whipple

01/10/06 Senate: Prefiled and ordered printed; offered 01/11/06 065669844  
01/10/06 Senate: Referred to Committee on Finance  
**Notes:** City Position: Support

**SB 269 Condominium Act; conversion condominiums and notice to locality.**

*Summary as introduced:*

**Condominium Act; conversion condominiums; notice to locality.** In the case of receipt of an application for a condominium that is a conversion condominium, the agency shall, within five business days, also issue a notice of filing to the chief administrative officer of the county or city in which the proposed condominium is located, which notice shall include the name and address of the applicant and the name and address or location of the proposed condominium.

*Patrons:* Whipple, Howell and Ticer; *Delegates:* Amundson, Callahan, Moran, Plum, Rust, Scott, J.M. and Watts

01/10/06 Senate: Prefiled and ordered printed; offered 01/11/06 066149260  
01/10/06 Senate: Referred to Committee on General Laws and Technology  
01/18/06 Senate: Reported from General Laws and Technology (14-Y 0-N)  
01/20/06 Senate: Constitutional reading dispensed (38-Y 0-N)  
01/20/06 Senate: VOTE: (38-Y 0-N)

**Notes:** City Position: Support

**SB 480 Minimum wage; increases per hour thereof.**

*Summary as introduced:*

**Minimum wage.** Increases the minimum wage from its current federally mandated level of \$5.15 per hour to \$6.15 per hour effective July 1, 2006; to \$7.15 per hour effective July 1, 2007; and to \$8.15 per hour effective July 1, 2008. For subsequent years, the minimum wage will be adjusted annually on July 1 to reflect changes in the Consumer Price Index for the preceding calendar year, as determined by the Commissioner of Labor and Industry.

*Patrons:* Colgan, Howell, Ticer and Whipple; *Delegates:* Brink, Ebbin, Englin, Hull, Plum,

Scott, J.M. and Sickles

01/11/06 Senate: Prefiled and ordered printed; offered 01/11/06 067011716

01/11/06 Senate: Referred to Committee on Commerce and Labor

**Notes:** City Position: Support

**SB 526 Constitutional amendment; marriage may exist only between a man and woman.**

*Summary as introduced:*

**Constitutional amendment (voter referendum); marriage.** Provides for a referendum at the November 2006 election on approval of a proposed constitutional amendment to define marriage. The proposed amendment provides that "only a union between one man and one woman may be a marriage valid in or recognized by this Commonwealth and its political subdivisions." The proposed amendment also prohibits the Commonwealth and its political subdivisions from creating or recognizing "a legal status for relationships of unmarried individuals that intends to approximate the design, qualities, significance, or effects of marriage." Further, the proposed amendment prohibits the Commonwealth or its political subdivisions from creating or recognizing "another union, partnership, or other legal status to which is assigned the rights, benefits, obligations, qualities, or effects of marriage."

*Patrons:* Newman; *Delegate:* Byron

01/11/06 Senate: Referred to Committee on Privileges and Elections

01/17/06 Senate: Reported from Privileges and Elections with amendment (11-Y 3-N)

01/19/06 Senate: Constitutional reading dispensed (39-Y 0-N)

01/19/06 Senate: VOTE: (39-Y 0-N)

01/20/06 Senate: Passed by for the day

**Notes:** City Position: Oppose

**SJ 15 Constitutional amendment ; restoration of civil rights for certain felons (first reference).**

*Summary as introduced:*

**Constitutional amendment (first resolution); restoration of civil rights.** Authorizes the General Assembly to provide by general law for the restoration of civil rights for persons convicted of felonies who have completed service of their sentence including any period or condition of probation, parole, or suspension of sentence. The present Constitution provides for restoration of rights by the Governor. The amendment retains the right of the Governor to restore civil rights and adds the alternative for restoration of rights pursuant to general law.

*Patron:* Miller

12/20/05 Senate: Prefiled and ordered printed; offered 01/11/06 063620768

12/20/05 Senate: Referred to Committee on Privileges and Elections

01/17/06 Senate: Continued to 2007 in Privileges and Elections (14-Y 0-N)

**Notes:** City Position: Support

**COMMONWEALTH OF VIRGINIA**  
***Office of the Governor***

Timothy M. Kaine

FOR IMMEDIATE RELEASE

Governor

January 20, 2006

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**GOVERNOR KAINE ANNOUNCES BALANCED  
TRANSPORTATION INITIATIVE**

*~ Sustainable funding will allow smarter planning, congestion relief ~*

**RICHMOND** – Governor Timothy M. Kaine today released a transportation initiative that provides for smarter planning, protects designated transportation revenues, and helps relieve traffic congestion. The Governor's plan balances the sense of urgency and the demand for accountability expressed by thousands of Virginians who shared their thoughts on the Commonwealth's transportation challenges in a series of 11 town hall meetings the Governor has hosted since last November.

"This is a fiscally responsible plan that addresses our transportation challenges in creative ways," Governor Kaine said. "We will change the way we do business, always insisting on accountability, and providing local officials with the tools they deserve to better link transportation and land use planning. We will partner with localities and the private sector, relying on modest, reliable revenues generated by those who actually use our transportation network."

Governor Kaine's transportation initiative is thoughtfully crafted to ensure that those who benefit from these transportation improvements are the same people who pay for them. The initiative increases local highway construction programs for urban, secondary, and primary projects by about 90%. It also recognizes that asphalt isn't the only solution, doubling the amount of money spent on mass transit options.

"This initiative identifies stable, long-term funding streams that meet our transportation needs. Our plan will provide over an additional one billion dollars a year for transportation, coming from a combination of new revenue and public-private partnerships," Governor Kaine said.

**To ensure accountability, the Kaine transportation plan:**

- **Locks up the Transportation Trust Fund** to ensure the money intended for that fund can't be siphoned away for non-transportation projects.
- **Creates the Commission on Transportation Accountability**, to identify measurable ways to evaluate the performance of our transportation network. The Commission, which will include General Assembly representation, will set goals by which we can measure the effectiveness of projects and get the best value for our transportation dollars.

**The plan changes the way we do business by:**

- **Requiring a traffic impact statement for every rezoning request** to ensure that local officials have accurate and comprehensive information about their zoning decisions before they act.
- **Empowering local governments to say no to rezoning requests** that would overwhelm the local transportation infrastructure. The case law is ambiguous and localities are unsure about their ability to use their current authority the appropriately manage growth.
- **Supporting the transfer of development rights within a locality** to protect the rights of property owners, while encouraging development near existing transportation, schools and safety infrastructure.

**The Governor's transportation initiative helps manage traffic congestion by:**

- Using highway maintenance funds for highway maintenance purposes. By returning to that simple premise, **we can increase our non-interstate, local and regional highway construction programs by about 90%**. Innovative use of Public-Private Partnerships will result in significant increases in the interstate highway construction program.
- Providing better oversight of VDOT. Increased "on-time" and "on-budget" numbers are a good thing and reflect dedication and hard work by VDOT professionals, but that is not enough. We need to measure how well our system works.

**The proposal provides for smarter planning and increased local partnerships:**

This package expands resources for the **Intermodal Office** within the office of the Virginia Transportation Secretary, a reform that ensures we see the big picture – for example, connecting passenger rail with bus services and ports with freight rail.

Provides **support for technology solutions** as simple as synchronizing traffic lights and expanding the use of cameras and variable message signs that allow an improved response to incidents that cause congestion.

**Expands several matching grant programs** to help localities solve community-based transportation problems. The transportation plan grows those programs and makes permanent the idea of community choice.

**The Governor's transportation initiative uses revenue sources that are reliable, responsible, and depend on consumers of the transportation system to fund their improvements:**

The first of these is a **2% increase in the motor vehicle sales and use tax**, bringing it in line with neighboring states and matching the sales tax rate on most other purchases.

We will **fulfill a long-standing promise to dedicate one-third of current insurance premium tax proceeds to transportation, and increase the auto insurance premium fee by 2.25%**. Virginia is currently the 41<sup>st</sup> lowest state in the nation in terms of average auto insurance premiums, and the fee increase will add only \$18 to the cost of a policy for a typical Virginia driver.

Since the heaviest passenger vehicles cause the most wear and tear on our roads, the plan shifts to **weight-based registration fees**. Owners of the heaviest passenger vehicles would see a maximum increase of \$13 a year in their registration fees. This fee would not apply to tractor-trailer trucks.

This plan includes **enhanced fees for abusive drivers**.

The proposal also makes use of General Fund surplus **dollars for targeted, one-time expenditures**. This plan will substantially advance or complete major transportation projects, make a significant contribution to public transportation, and support previously approved transportation bonds, allowing more funds to be directed to new transportation improvements.

"I am committed to work in a bipartisan way with the Senate and House of Delegates to address our transportation challenges in a serious way during this session," Governor Kaine concluded. "If we have the courage to undertake these funding solutions, we can double transit funding; fund community choices, increase local and regional highway construction by 90%, protect our existing infrastructure, and seek long-term, innovative transportation solutions."

# # #

## **Advisory to the Media January 20, 2006**

Today, members of the Senate released details of a comprehensive plan to reform and modernize Virginia's transportation program, titled "Driving Virginia's Future."

Senator John Chichester, Chairman of the Senate Finance Committee, Senator Charles Hawkins, chairman of the Statewide Transportation Analysis and Recommendation Task Force (START), and Senator Marty Williams, Chairman of the Senate Transportation Committee, jointly presented the plan, which flows from an eight-month effort by START and the Senate Finance Subcommittee on Transportation.

The START group, which consisted of ten legislative members and 15 citizens from across the Commonwealth, was established in May to determine what a modern transportation system should look like and how it can best be achieved.

Key features of "Driving Virginia's Future" include:

- Improved accountability and planning through legislative appointees to the Commonwealth Transportation Board and additional General Assembly oversight of VDOT operations (Senate Bills 329, 412, and 423);
- Linkage of land use and transportation through a voluntary transfer of development rights program (Senate Bill 373);
- A reliable funding stream for transportation which retains the user fee model, applies tax rates uniformly by eliminating special tax breaks for transportation-related goods, and dedicates the automobile insurance premium tax to transportation. (Senator Hawkins to introduce legislation and Senate Bills 425 and 614).

Specifics of the funding plan:

- Dedicate auto insurance premium tax;
- Remove 2 percent discount on motor vehicle sales, phased in at ½ percent annually over four years;
- Remove sales tax exemption on gas, phased over four years;
- Remove sales tax exemption on auto repairs in FY 2009;
- Apply same tax rate for diesel fuel as gasoline (17.5 cents per gallon);
- Increase vehicle registration fee by \$10 for all vehicles and an additional \$10 for SUVs;
- Allow one-time general funds for specific projects;
- Encourage tolls, congestion pricing and HOT lanes for willing buyer/seller;
- Lock up transportation funds.

In FY 2010, at the end of the four-year phasing period, additional transportation revenues will total \$1.2 billion (revenue table attached). Over the next four years, transportation will have almost \$4.0 billion in new resources.

In talking about “Driving Virginia’s Future,” Senator Chichester said,

“The Senate plan recognizes that fixing transportation includes improved accountability and stewardship over our current system, connecting the dots between local land use and transportation, and having a dedicated and sustainable revenue source for transportation - we should not cure transportation by draining the lifeblood from education and health care.”

He went on to say that the funding goal can be achieved by applying tax rates uniformly rather than “discounting” or exempting certain transportation-related goods from taxation.

“Virginia’s transportation system has moved from life support to code red. It is, therefore, irresponsible to continue providing special tax breaks to transportation-related goods.”



Senator Hawkins noted that additional transportation revenue will provide the opportunity to move goods and people more efficiently through rail and other means of mass transit and to advance road projects of highest regional priority like:

- Upgrade of Route 460;
- Expansion of HOV lanes in Northern Virginia;
- The third crossing in Hampton Roads;
- Safety improvements within the I-66 Beltway;
- Route 58 completion;
- Coalfields Expressway;
- I-81 reconstruction.

He concluded by noting that current transportation resources will continue to be distributed through current transportation formulas.

SB 701, HB 1555 (Patrons: Devolites-Davis, Rust, Albo)

### **Transportation Funding in Northern Virginia**

- Provides new funding for transportation in the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park and the Counties of Arlington, Fairfax, Loudoun, and Prince William.
- The sources of the new funds are:
  - (i) civil penalties (ranging from \$250 to \$750) for certain driving offenses (e.g., reckless driving, altering license plates, failure to yield to an emergency vehicle, DUI, etc.) that occurred within the previous 3 years; and additional fees (\$100 to \$700) for persons residing in any of the localities who have accumulated four or more driver demerit points within the past 3 years<sup>1</sup>;
  - (ii) additional motor vehicle registration fees for trailers, semitrailers, and trucks with a gross weight over 12,000 pounds that are registered in any of the localities;
  - (iii) an additional fee (2 percent of gross proceeds) on the rental of motor vehicles in the localities;
  - (iv) an additional recordation tax (\$0.20 per \$100) on the sale of real property in any of the localities;
  - (v) the transfer, from the state general fund to this new fund, of all revenues from the current state sales and use tax on motor vehicle repair parts and accessories sold in any of the localities; and
  - (vi) an additional transient occupancy tax of \$5/day on rooms in the localities.
- The bill prohibits the affected localities from increasing their transient occupancy tax above the rate in effect on January 1, 2006.
- The priority of the projects to be funded shall be determined by the Northern Virginia Transportation Authority in consultation with the local governing bodies of the localities, and the members of the House of Delegates and the Senate who represent any of the localities.
- At least 40% of the revenues must be dedicated to use on residential, urban, and secondary road construction and improvements.
- There are no dedicated funds for transit.
- Patrons estimate that the legislation will produce approximately \$300 million annually.

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<sup>1</sup>Four points are assessed for offenses such as speeding between 10 and 19 miles over the speed limit, failure to stop when entering the highway, and failure to yield the right-of-way.